



29 August 2013

Chair of Sydney East Sydney Joint Regional Planning Panel
Regional Panels Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

Via email: angela.kenna@planning.nsw.gov.au

2012SYE2009 – BOTANY – DA11/224
140-148 DENISON STREET AND 49 SMITH STREET, HILLSDALE
APPLICANT SUBMISSION IN RESPONSE TO ASSESSMENT REPORT

Dear Mr Roseth,

On behalf of the applicant I confirm that we have read the assessment report and Bunnings contends that the report is an unbalanced and incomplete report which does not provide the Panel with an objective basis upon which to make its determination of the subject application.

The additional information attached to this letter outlines numerous matters which have either not been reported appropriately; or were not available to the officer in time for preparation of the report; or outline a chain of events and considerations which are frankly very surprising in their nature and conclusion.

Accordingly we respectfully request the Panel resolve to approve the subject application subject to preparation of conditions which have been agreed with the applicant.

Myself and our key consultants for this project will be present at the Panel's meeting on 4th September and will be available to answer questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read "P. Drew". The signature is written in a cursive, slightly slanted style.

Philip Drew
Development Approvals Manager
Bunnings Group Ltd

cc. Mr Chris Mackey, Botany Bay city Council

SUBMISSION BY APPLICANT IN RESPONSE TO OFFICERS REPORT (JRPP No 2012SYE009)

Primary Issues:

1. Traffic
2. Noise
3. Risk
4. Contamination
5. Economic Impact

Secondary Issues:

1. Design Review Panel
2. Sydney Water
3. Parking
4. Loading Conflicts

Issue	Response
Traffic	<p>Vehicle access to/from the site is restricted to Denison Street as required by Council through the amending LEP (and as repeated in clause 6.14 of the BLEP 2013).</p> <p>The officer's reports provide a clear lineage of the competing viewpoints put to RMS over an extended period regarding the development and its impacts (including cumulative impacts) upon the road network. On 17 May 2013 RMS provided their (final) concurrence to the proposed development and it is clearly stated their role in the management of the state and regional road networks, with particular reference to Denison Street, its intersection with Wentworth Avenue, and supporting the proposed access to the Bunnings site. (RMS Letter dated 17 May 2013 is attached at Annexure 1)</p> <p>Infiltration of traffic into nearby residential streets to access the Bunnings site from the east and south-east is not established fact. In fact it is evident that Bunerong Road, Wentworth Avenue, and Beauchamp Road are all higher capacity roads which are anticipated will carry the bulk of traffic from the east and south-east to the site.</p> <p>Boonah, Fraser and Smith Streets provide links between Bunerong Road and Denison Street. Review of the local network indicates that traffic coming from the south and south-east (La Perouse Matraville, Malabar and Chifley) will be more likely to use Bunerong Road and then turn in Beauchamp Road to approach Denison Street. For traffic approaching from the east</p>

SUBMISSION BY APPLICANT IN RESPONSE TO OFFICERS REPORT (JRPP No 2012SYE009)

	<p>it seems more likely that the majority of traffic will utilise Maroubra Road and then left into Bunerong Road then turn into Wentworth Avenue. Smith Street does not seem to offer any significant “short cut” benefits. It is our view therefore that it does not seem that approaching the site via Smith Street, Boonah or Fraser Streets will offer significant incentive either in time or distance and are therefore unlikely to be attractive short cuts.</p> <p>Bunnings consultant has provided a detailed response to issues raised (in Appendix 2). Matters referring to assessments of cumulative impacts, the use of conservative traffic generation rates well above recent observed results, and infiltration into residential streets is addressed in detail.</p>
Noise	<p>The 1dBA noise exceedance for the “evening” periods for trucks can be resolved by way of developing a 3.5 metre (min) barrier to the service lane.</p> <p>Noise measurements of equipment operations of a similar Bunnings have been presented and used in the predictions.</p> <p>Noise levels have been predicted based on noise sources of a typical Bunnings “worst case scenario” They are based on operations of a facility not general assumptions. Compliance is indicated with the installation of barriers as recommended.</p> <p>Commercial businesses are not sensitive receivers, therefore non-compliances at their boundary is not significant.</p> <p>Site is at a zone interface between commercial and residential development. The landscape setback to the residential neighbours is 10.8 metres, whereas the minimum required under DCP 33 (Section B7) is 3 metres. This area is proposed to be densely landscaped.</p> <p>The Bunnings site sits below the surrounding residential land, with the rear boundaries of adjoining residential land at around RL 20, and floor levels of dwellings facing Rhodes Street estimated to be at around RL 22-23. The basement car park level of the Bunnings development will be RL 16.90 and the retail floor level proposed at RL 20.80.</p> <p>The Bunnings development is over 6 metres below the building height limit imposed by Council in 2010.</p> <p>The development has provided an appropriate interface with adjoining residential land.</p>
Risk	<p>Bunnings’ consultants (Sinclair Knight Merz) have successfully prepared/submitted 40+ Preliminary Risk Assessments/Transport Risk Assessments to Botany Bay City Council. It is the view of Bunnings’ consultant that the development satisfies the requirements of DCP 30.</p> <p>The Bunnings use is not a “sensitive” land use for the purposes of DCP 30.</p> <p>Consultation has occurred with the Department of Planning and Infrastructure (Major Hazards Branch) as required under DCP 30. The first advice received from the Department (19 November 2012) concluded that there is a “very low level of risk, which would be unlikely to impact the surrounding community or to change cumulative risk levels from the BIP. The Department is not aware of any information that would warrant a cumulative risk study being carried out by the proponent.”</p> <p>Council has referred the revisions to the TRA/PRA to the Department’s Major Hazards Branch who have responded to</p>

SUBMISSION BY APPLICANT IN RESPONSE TO OFFICERS REPORT (JRPP No 2012SYE009)

	<p>Council 3 times and have not varied from this opinion. In the most recent response, the DOPI advised there is no warrant for concern regarding the risks from the proposed land use on the surrounding area, AND there are no unacceptable risks posed by the BIP operations upon the Bunnings. For completeness all 3 letters from DOPI have been attached at Appendix 3.</p> <p>DCP 30 has been in operation since 2003. On 22 March 2010 Botany Bay City Council resolved to support a change to the rezoning to specifically permit development of a Bunnings Warehouse on the land. This zoning change was supported by the Department, and on 29 October 2010 the SEPP (Major Projects) 2005 and Botany Bay LEP 1995 were amended to specifically enable the future development of a "hardware and building supplies" on this site, AND this zoning change included a requirement (in Schedule 2) for all vehicle access to be to/from Denison Street (a "Dangerous Goods Route" identified under DCP 30).</p> <p>18 months after DA 11/224 was submitted, and well after the report claims Council advised the Department of its concerns, the Botany Bay LEP 2013 was gazetted 21 June 2013, being 18 months after lodgement of DA 11/224. This LEP rezoned the subject site to B5 Business Development, whose objective is:</p> <p><i>To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.</i></p> <p>This zoning is complemented by an FSR of 1:1, where the Bunnings development is at an FSR of 0.51:1.</p>
Economic Impact	<p>Leyshon Consulting are a well respected economic impact consultancy who have used the same disclaimer in numerous reports which have been relied upon by many authorities and consent authorities. Leyshon Consulting have prepared a brief response to this assessment report (Appendix 4).</p> <p>The submitted "Economic Impact Assessment" concludes there is anticipated to be no significant economic impacts upon local small centres (Botany and Matraville), nor larger shopping centres (Eastgardens, Maroubra Junction, in part due to an absence of comparable competition. The main impact of this development is expected to occur upon a sole competitive hardware retailer (Mitre 10) located in the vicinity of the site.</p>
Contamination	<p>An updated Site Audit Statement has been sought and has been under preparation since mid-2012. Recent advice has been received from the Site Auditor (Graeme Nyland) which reveals that the updated Site Audit Statement will be issued prior to the 4 September 2013.</p> <p>Significant work has occurred to date towards this outcome, including additional testing and drafting of an Environmental Management Plan, and it is considered there are no insurmountable contamination issues relating to development of this site. The site will be suitable for the proposed development.</p>
Design Review Panel	<p>On page 84 it is stated the applicant has not adequately addressed the DRP comments. On pages 37, 59, 67-68, however it</p>

SUBMISSION BY APPLICANT IN RESPONSE TO OFFICERS REPORT (JRPP No 2012SYE009)

	is stated that the architectural response of the development is acceptable.
Sydney Water	The reconstruction/deviation of the underground Sydney Water stormwater culvert may be addressed via a condition of consent.
Parking	On page 30 it is assessed that there will be spillover parking in surrounding streets. On pages 32-33, 53-54 and 65, however the report concludes that on-site parking is sufficient for parking demand generated by the development.
Loading Conflicts	On page 33 it is claimed there is a conflict point regarding the position of loading trucks and customer vehicles. This cannot occur in practice as loading truck will be stationary only in the "Goods Inwards" area at the north-eastern corner of the building. No customer vehicles are permitted or required to go into this area.

17 May 2013

RMS Ref: SYD11/01114
Council Ref: DA11/224

General Manager
City of Botany Bay
PO Box 331
MASCOT NSW 1460

Attention: Roger Dowsett

**INTEGRATED DEVELOPMENT APPLICATION NO.11/224
140-148 DENISON STREET AND 49 SMITH STREET, HILLSDALE**

Dear Mr Dowsett,

I refer to the abovementioned development application and recent discussion between Council and RMS with regard to the impact of the proposed development on the existing signalised intersection of Wentworth Avenue and Denison Street. I wish to confirm that after undertaking further analysis of the existing signalised intersection of Wentworth Avenue and Denison Street, RMS does not require the developer to construct an additional right turn lane on the Wentworth Avenue west approach to this intersection. Motorists currently have three opportunities within one signal cycle to turn right from Wentworth Avenue into Denison Street with these signal phases being a leading, trailing and filtered right turn movements.

Further to the above, RMS will monitor the operation of this existing signalised intersection post occupation of the proposed development and adjust the signal phasing where necessary to optimise the operation of this intersection based on future demand.

In addition to the above, RMS provides its approval to the proposed traffic signals on Denison Street under Section 87 of the Roads Act and concurrence to the proposed new vehicular crossings on Denison Street under Section 138 of the Roads Act, subject to the following requirements:

1. The geometric layout of the signalised intersection shall be in accordance with RMS requirements. In this regard, the geometric layout shall be as follows:

North Approach

- Two through lanes
- 50 metre left turn deceleration lane (excluding taper).
- Two departure lanes

Roads & Maritime Services

South Approach

- One through lane
- Shared through and right turn lane (right turn prohibited 6am-10am Monday to Friday)
- Two departure lanes

Bunnings Access Road Approach

- Right turn lane
- Shared left turn and right turn lane
- One departure lane

2. The provision of the left turn deceleration lane on Denison Street requires land dedication from the subject site as public road to maintain the existing footpath width. This land dedication as public road shall be at no cost to RMS or Council.
3. In accordance with the RMS Traffic Signal Design Guide, the developer is required to create an easement to allow RMS to locate traffic signal components on their (private) property.
4. Whether or not a marked foot crossing is provided across the signalised entrance to a private development, there must be a level separation between the road and footpath through the construction of a barrier kerb and gutter. Kerb ramps must be provided in accordance with RMS requirements.
5. In accordance with Austroads, splays (clear of obstructions) are required at the property line to ensure adequate visibility between vehicles on a driveway and pedestrians on the footpath.
6. In accordance with RMS's Technical Direction for new traffic signals, signalised pedestrian crossings shall be provided on all legs of the proposed signalised intersection.
7. The provision of the proposed traffic signals on Denison Street requires full time 'No Stopping' parking restrictions on both sides of Denison Street between Smith Street and 100 metres south of Denison Street. As previously advised, this will require either Council and/or the developer to undertake satisfactory consultation with any affected resident and/or business.
8. The proposed northern driveway on Denison Street, which is a left turn exit only driveway shall be self enforced by constructing a raised central concrete median island on Denison Street across the frontage of the proposed exit driveway. The minimum width of the raised median island shall be 900mm, which will require localised road widening and shall be at full cost to the developer. This localised road widening shall take into consideration the proposed left deceleration lane on Denison Street into Corish Circuit associated with the proposed Orica development.
9. The right turn from Denison Street into the Bunning site at the proposed signalised intersection shall be banned during the morning weekday peak period (6am -10am Monday to Friday).
10. The developer will be required to enter into a "Major Works Authorisation Deed" (WAD) with RMS for the abovementioned signal and civil works. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RMS's WAD documentation for assessment and final decision concerning the work. The detailed design plans submitted shall be in accordance with Austroads and RMS's requirements.
11. As part of the abovementioned WAD process, the developer will be required to provide an upfront payment for the first ten (10) years of maintenance of the signal hardware.

12. Prior to the release of any Construction Certificate, a detailed civil concept geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed signalised intersection overlayed on a survey plan, shall be submitted to and endorsed by RMS.

In addition, no Construction Certificate shall be released until such time that a traffic signal design plan, detailed civil road designs and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalised intersection are lodged with RMS.

13. No Occupation Certificate shall be released until such time that the signalised intersection on Denison Street is fully constructed and operational.
14. All utility relocation required as a result of the proposed signalised intersection shall be at full cost to the developer.
15. All roadworks/regulatory signposting associated with the proposed development shall be at no cost to RMS.

In addition to the above, RMS provides the following advisory comments to Council for its consideration in the determination of the development application:

16. Off-street parking associated with the proposed development shall be designed and constructed in accordance with AS 2890.1 – 2004 and AS2890.2 – 2002.
17. The swept path of the largest vehicle entering and exiting the subject site, as well as manoeuvrability through the site shall be in accordance with AUTROADS. In this regard, a swept path plan shall be submitted to Council for review, illustrating compliance with this requirement.

Should you require any further clarification in this matter, please do not hesitate to contact the undersigned on 8849 2047 or via email at James.Hall@rms.nsw.gov.au.

Yours faithfully



James Hall
Senior Land Use Planner
Transport Planning, Sydney Region



27 August 2013
Ref: 09255

Mr Philip Drew
Development Approvals Manager
Bunnings Group Limited
11 Shirley Street
Rosehill NSW 2142

E: pdrew@bunnings.com.au

Dear Phil

**Proposed Bunnings Eastgardens
Review of Council's Report to
Sydney East Joint Regional Planning Panel**

Before I respond to the traffic and parking issues raised in this report it prompts me to reflect on recent past experiences with major new Bunnings developments in the Sydney area. Five of the new Bunnings large format warehouse developments have opened in the past 12 months or so, namely,

- Alexandria
- Balgowlah
- Chatswood
- Rouse Hill
- Castle Hill

During the development processes for each of these sites there was a great deal of controversy, concern and argument with dire traffic and parking predictions emanating from residents, Councils and RMS. There were independent consultant reviews, requirements for followup surveys and special RMS traffic monitoring. However, in every single case the operational outcomes of these sites (even during the invariably "busy" initial opening and seasonal peaks) has been entirely satisfactory with not one single incident or cause for concern. This to some extent is due to the fact that the traffic generation rate per 100m² has eventuated to be less than assessed using the RMS criteria and the same can be said for the similarly large new sites at:

- Narellan
- Seven Hills
- Hoxton Park

TRAFFIC GENERATION RATES

In relation to the data provided in the RMS Technical Circular TDT 2013/04 for Hardware land use it has been my forthright assessment (including submissions to RMS and Transport NSW) that:

- * The "averaging" of data from disparate sites is inherently misleading and this is a mistake common to many of the uses dealt with in the circular. The Hardware surveys undertaken for RMS involved nine sites comprising five Mitre10 sites (1,600m² – 2,400m² with an average 1,920m²) and four Bunnings sites (9,800m² – 14,111m² with an average of 11,444m²). Thus the average Bunnings site is 6 times larger than the average Mitre 10 site, however the individual surveyed traffic generation rates were averaged to provide the rates presented in the RMS document.
- * The proposed Eastgardens development (as with the other recent new Sydney Metropolitan area sites) will be nearly twice the size of the average surveyed Bunnings site and more than 10 times the size of the average Mitre 10 site.
- * The Bunnings Minchinbury site surveyed is not representative because at the time of the survey (2009) this site "overtraded" due to lack of competition. It was at that time the highest trading Bunnings in the State, however since that time 2 new Bunnings have opened in the area and a Masters has been approved on an adjoining site with a further Masters under construction nearby at St Marys.

At the meeting on 21.1.13 involving representatives of RMS, Council, Council's Traffic Consultant, Bunnings and myself there was a consensus agreement (after considering all of the data available) that the robust peak traffic generation rates to be adopted for reassessment of the traffic impacts of the proposed Bunnings would be:

Weekday	AM	1.70 vtph / 100m ²
	PM	2.70 vtph / 100m ²
Weekend	Midday	6.0 vtph / 100m ²

In order to provide some clarity to the issue of traffic generation at the new large contemporary Bunnings sites ROAR Data, a specialist survey company, was recently engaged to undertake surveys at 3 of the new sites (Chatswood, Balgowlah and Castle Hill). These surveys were undertaken in late August when unusually warm weather prevailed and the pre spring garden season had commenced. Bunnings "transaction"

data research shows that August – September trade represents the 85% level of trade with the lower levels occurring in the colder Victoria and Tasmania sites.

The traffic generation rates (vtph/100m²) recorded recently at these 3 Bunnings sites expanded to 95% trade level are summarised in the following while the detail survey results and related synopsis are appended.

	PM	WEMD
Balgowlah	1.90	4.23
Chatswood	1.64	3.69
Castle Hill	1.64	3.49

It is apparent that the peak traffic generation rates applied in the assessment for the proposed development are markedly higher than that recently recorded at what are very comparable existing Bunnings sites and that this data is far more relevant than the data contained in the RMS circular. The consistent factor which emanates from all the data is that the larger the floorspace the lower the generation rate (vtph per 100m²).

Council's Traffic Consultant has at no time presented any data that contradicts the generation rates which were agreed to by all parties on 21.1.13 (or that derived from the recent surveys).

TRAFFIC MODELLING

Other Developments

It is stated that the traffic modelling has not had regard for other developments.

- * The assessments undertaken by TTPA have incorporated the projected traffic generation of the approved Orica site development scheme (being the most relevant with direct impact)
- * By letter dated 14.12.12 RMS advised Council that it had undertaken an assessment of the commulative traffic impact of the Bunnings development and the other proposed and approved developments in the area and that:
 - the assessed outcomes were satisfactory
 - there was no requirement to change the lane arrangement at the Wentworthville Avenue/Denison Street intersection

Hensley Athletic Field and Westfields Traffic

The various traffic surveys undertaken at the relevant intersections in the area involved normal week by week circumstances including the weekend periods reflecting the peak activity times of Bunnings, Westfields and Hensley Athletics Field.

The most recent traffic modelling (TTPA Report May 2013) confirms the RMS assessment that the traffic outcome with Bunnings will be quite satisfactory and in particular,

- With the Orica development traffic
- With/Without signals at the Denison/Smith intersection
- With the existing lane arrangement at the Wentworth/Denison intersection

TRAFFIC DISTRIBUTION

In undertaking my assessment of the projected traffic distribution for the proposed Bunnings I had regard for:

- * the location of (at that time) the existing Bunnings sites in the Region (eg Mascot) and other competitors
- * the location of proposed (impending) new Bunnings sites and upgrades (eg Alexandria and Taren Point and potential closure of the Mascot site)
- * the nature of the road network (ie ease of access) and the geographical circumstances (eg Ocean just to the east, Sydney Airport just to the west)
- * locations of increasing population densities
- * discussion with Bunnings personnel regarding their expectations

I believe that my detail traffic distribution assessment reflects the most likely outcome as a result of the factors which were taken into account.

PARKING

In the TTPA report of November 2011 the parking demand rates recorded at 8 existing Bunnings sites were identified and these included:

North Parramatta	2.70 spaces per 100m ²
Scoresby	2.51 spaces per 100m ²
Mornington	2.39 spaces per 100m ²
Minchinbury	2.00 spaces per 100m ²

The proposed provision of parking at a rate of 2.8 spaces per 100m² is therefore most appropriate for a large format store with resultant longer "stay" characteristics (due to larger product range). Bunnings staff do not have a high "car driver" mode, however staff are freely permitted to park on site and invariably do so particularly when there is undercroft parking available (ie rather than on-street in the open).

CRITICISMS

P3 TTPA letter advising inappropriateness of further traffic modelling incorporating other developments

- the TTPA assessments have incorporated the Orica development traffic (most appropriate due to its direct adjacent location)
- RMS have advised Council that they have undertaken a cumulative traffic assessment incorporating all of the developments and found that the outcome will be satisfactory
- There is no basis or data relating to the impact of the Port at this location and the BATA development will have very little impact on the road network to the south of it.

P18 **Council's Traffic Consultant criticism of 13.11.12**

- Generation rate: there is no rate of 7 vtph/100m² contained in the Hyder (RMS) assessment. It was agreed with RMS, Council and Council's Traffic Consultant on 21.1.13 that the peak weekend rate to be adopted was 6.0 vtph/100m²
- Traffic distribution: this is addressed in the foregoing and in the TTPA report of May 2013
- SIDRA Modelling and Turning Path files: these were provided to and are now accepted by Council's Traffic Consultant

P19 **Council requests of 15.11.12:**

- Cumulative impacts dealt with in the foregoing
- Potential effects on residential streets dealt with in report of May 2013
- Traffic distribution dealt with in the foregoing and report of May 2013
- Signals not at Denison/Smith dealt with in report of May 2013

P20 RMS Position

Wentworth Avenue and Denison Street and traffic signal controlled intersections are the sole responsibility of RMS. RMS undertook the cumulative traffic assessment and determined that the outcome would be satisfactory and the existing arrangement at the Wentworth/Denison intersection did not require to be changed (the earlier RMS advice preceded their undertaking of a cumulative assessment).

P21 “RMS and Council request to assess contingent provision for potential future road widening.”

TTPA undertook the geometrical assessment:

- Cannot achieve extra lane in existing road space
- Cannot widen into Park
- Cannot widen into Westfield land
- Can reallocate lanes as originally suggested given that 50% of eastbound traffic turns right into Denison (with 1 lane) while there are 3 lanes for eastbound through traffic with more signal phases to move in
- RMS advised Council of its concurrence to the proposed development confirming that after undertaking further traffic modelling analysis there was no need to alter the Wentworth/Denison intersection

P22 Council's Traffic Consultant criticism

“TTPA assessment is adequate Bunnings generation rate should be 6.3 vtpm/100m²: It was unilaterally agreed by all parties to be 6.0 vtpm/100m²

- Westfields restaurant precinct: This alteration would have very little impact on traffic activity
- Hensley Field: dealt with in the foregoing
- Orica traffic: dealt with in report of May 2013 and RMS assessments
- BATA development: This proposal will have very little impact on traffic activity to the south and it is understood that the BATA assessment dealt with cumulative impact and that the RMS assessment included BATA
- Impact on local streets: addressed in report of May 2013. When the potential impact (volume, nature, direction etc) is unknown and the available remedial action quite simple (eg signage) it is a quite normal outcome to undertake before and after surveys to determine any

necessary remedial action. This is exactly what was required by the City of Sydney as a consent condition in relation to the new Bunnings at Alexandria.

P22 "Clause 101 of SEPP (infrastructure) 2007 – Safety, efficiency and ongoing operation of a classified road": RMS is the body responsible for the classified roads (Wentworth Avenue and Denison Street). RMS has advised Council on a number of occasions and specifically in relation to the last Development Application that it concurs with the application and has undertaken assessments which confirm that there will not be any unsatisfactory traffic outcome.

P27 "Council's Traffic Consultant disputes the Traffic Generation and Traffic Assessment"

- This is not correct, the projected peak traffic generation was unilaterally agreed prior to the most recent assessment and the traffic modelling and turning path assessment have been provided in electronic format to the consultant and are now accepted.
- Despite the position of RMS Council maintains concern with the expanded level of traffic generation on the viability of nearby commercial and industrial user. The cumulative traffic analysis undertaken by RMS and the traffic modelling assessment undertaken by TTPA confirm that there will not be any unsatisfactory traffic outcome resulting from the Bunnings development. The most recent surveys of comparable Bunnings sites indicate that the traffic generation will be somewhat less than that assessed for the Application.

P28 **Potential Impact on Local Street**

As with the City of Sydney Consent Condition on Bunnings Alexandria and the JRPP's recent Consent Condition in relation to the proposed bulky goods development on the Pretty Girl site at Tempe the appropriate means to assess this potential impact arising from alleged infiltration is to:

- Undertake "before" surveys of traffic movements on all relevant streets
- Undertake "after" (development) surveys on the same streets
- Assess the results to determine if there has been a change in traffic circumstances related to the Bunnings development
- Develop appropriate amelioration measures to overcome any potential impact if required

It is the assessment of TTPA that the Bunnings will not result in inappropriate bypass traffic movements (for the reasons given in the May 2013 report) while the potential traffic management treatments are relatively simple and easily installed if at all warranted (and don't necessarily reflect those proposed by Council's Traffic Consultant). Knowledge of the magnitude, time and direction of any change in traffic movements will provide a preferable basis to determining what if any the nature of treatment/s might be. This will also avoid premature introduction of constricting traffic management controls where in fact practical post development surveys are quite likely to demonstrate that the measures are unnecessary.

P29 "Council's Traffic Consultant's view is that the predicted traffic generation of the proposed development is an under estimation which will result in a significant contribution to adverse cumulative traffic impacts":

- Council's Traffic Consultant specifically agreed with the traffic generation rates utilised in the most recent traffic assessment by TTPA and has never attempted to independently establish different rates.
- Council's Traffic Consultant has never attempted to undertake his own traffic modelling or to construct any details in relation to a cumulative traffic outcome. In the absence of any such assessment Council's Traffic Consultant is therefore unable to make such a judgement. Whereas RMS has undertaken a cumulative traffic assessment and found that the outcomes will be satisfactory.

P29 "There is likely to be an adverse economic impact as a result of excessive traffic generation particularly on weekends. It is noted that a higher traffic generation than that identified in the Traffic Report will generate a higher traffic demand."

- The projected peak traffic generation rate to be used in the final assessment was agreed by all parties and, while it is not conceded that it is excessive, the observation is made that the higher the visitation, the higher the likelihood of dual/multiple visitation and therefore improved economic outcome in the locality.
- There is no direct relationship between traffic generation and parking demand. The most significant influence on parking is 'length of stay' and the availability of parking does not significantly influence the level of traffic generation for Bunnings

P30 **Parking Provision**

On P30 the spectre is presented that “customer parking will spill over into the local streets and this would not be acceptable”. On P32 the view is presented that there will be too much parking provided. Because the Eastgardens development will have a large floor area (greater display/product range) the customer “stay” characteristic will be longer and therefore the parking provision should be in the high range. The proposed provision of 2.8 spaces per 100m² reflects the high range provision of the 8 Bunnings sites identified.

P33 “Council’s Traffic Consultant review finds that the peak Saturday traffic generation rate is a significant under estimation and that it could range up to 7.2 vtpm/100m²”. The peak Saturday generation rate was clearly agreed by all parties and the May 2013 the TTPA assessment adopts that rate. The inappropriateness of the RMS circular is dealt with in the foregoing as is the peak traffic generation rates derived from the recent surveys.

P34 “Council’s Traffic Consultant alleges that because of the perceived unsatisfactory traffic outcome at the Wentworth/Denison intersection Bunnings vehicles will divert onto local streets”. The consultant has made no attempt to “independently” undertake traffic modelling of the intersection and at the same time has in fact accepted the detail traffic modelling provided in electronic format by TTPA which demonstrates a satisfactory outcome at this intersection as confirmed by RMS modelling.

P54 “The parking provision will not satisfy Section 2.2 Aims and Objectives of the off-street parking DCP”. The principal Aims and Objectives are summarised in the following:

2.2 *Aims and Objectives of Plan*

The Aims and Objectives of this Plan are to:-

Ensure the provision of adequate off-street parking for users of a proposed activity and/or development

Relieve on-street parking problems where they exist and ensure traffic safety

Ensure that any development or use is commensurate with the amount of carparking provided or proposed

It is apparent that the provision of carparking at the higher range due to the projected length of stay outcome exactly reflects the principal Aims and Objectives of the DCP.

It would appear that the Council report in relation to Traffic and Parking largely responds to the "pressure" emanating from residents and other vested interests.

The simple fact is that the proposed Bunnings development will be located in an industrial area adjacent to a major regional Shopping Centre with vehicle access isolated to a traffic signal controlled intersection on a State Road with no reliance on circulation through local or collector roads.

This is quite simply an ideal outcome in traffic terms where customers can access the site directly by the higher order road system (Southern Cross Drive, Bunnerong Road, Anzac Parade, Wentworth Avenue, Denison Street).

The results of the recent "independent" surveys of very comparable existing Bunnings sites demonstrate that the peak traffic generation rates of these large stores is significantly less than that adopted for the assessment (and therefore the assessed traffic outcome will be even better as a result).

Yours faithfully



Ross Nettle
Director
Transport and Traffic Planning Associates



Planning & Infrastructure

Mr Rodger Dowsett
Director Planning and Development
City of Botany Bay Council
PO Box 331,
MASCOT NSW 1460

Contact: Lilia Donkova
Phone: 02 9228 6110
Fax: 02 9228 6499
Email: lilia.donkova@planning.nsw.gov.au

Our ref:
Your ref: DA 11/224
File: Bunnings letter to Council
April2013.docx

4 April 2012

Dear Mr Dowsett

Subject: DA No. 11/224, Bunnings Warehouse Development, Denison Street, Hillsdale

I refer to *Bunnings Hillside Preliminary Risk Assessment (the Risk Assessment)* prepared by SKM and dated 1 March 2013 and the council's verbal request to the Department to review the document.

It is noted that the Risk Assessment was undertaken to address the requirements of Council's DCP 30 and DCP 33 which as a matter for the Council to consider.

The Department has reviewed the Risk Assessment in the light of the Department's 2001 Botany/Randwick Industrial Area LUSS and has no further comments to its comments provided in letter to the Council dated 19 November 2012.

As you are aware the Department has finalised the review of the updated Botany Industrial Park Risk Assessment. The Department will meet with you on 8 April 2013 to discuss the findings of the Risk Assessment.

Yours sincerely



Lilia Donkova
Technical Specialist (Hazards)
Major Project Assessment



Planning & Infrastructure

Mr Rodger Dowsett
Director Planning and Development
City of Botany Bay Council
PO Box 331,
MASCOT NSW 1460

Contact: Dr Derek Mullins
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Our ref:
Your ref: DA 11/224
File: Cumulative Risk Assessment -
Bunnings.doc

19 November 2012

Dear Mr Dowsett

Subject: DA No. 11/224, Bunnings Warehouse Development, Denison Street, Hillsdale

I refer to your letter dated 8 November 2012 seeking the department's advice on the need for a cumulative risk assessment by the proponent of the above development application.

In your letter you refer to the proposed development being in proximity to "the adjoining Botany Risk Reduction Zone". While there was such a zone associated with earlier departmental risk assessment studies, this is no longer the case. Following the 2001 Botany/Randwick Land Use Safety Study, there is now only a small consultation region relevant only to proposed residential development.

The information provided to the department in relation to the proposed Bunnings development indicates a very low level of risk, which would be unlikely to impact the surrounding community or to change cumulative risk levels from the BIP.

The department is not aware of any information that would warrant a cumulative risk study being carried out by the proponent.

Yours sincerely

Dr Derek Mullins
Technical and Policy Advisor
Major Hazards and Contaminated Land



Contact: Lilia Donkova
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Our ref:
Your ref: DA 11/224

Mr Rodger Dowsett
Director Planning and Development
City of Botany Bay Council
PO Box 331,
MASCOT NSW 1460

Dear Mr Dowsett

Subject: DA No. 11/224, Bunnings Warehouse Development, Denison Street, Hillsdale

I refer to your letter to the Department dated 31 July 2013 and the enclosed information concerning the Bunnings Warehouse Development at Hillsdale.

The Department notes that Council also referred this information to a number of parties and drew their attention to the Council's obligations under Section 79C of the *Environmental Planning and Assessment Act 1979*.

Based on the information enclosed with your letter and considering the findings of the Quantitative Risk Assessment for the Botany Industrial Park (QRA BIP), the Department provides the following comments:

1. Risks from the proposed Bunnings development on surrounding land uses

a. Risk to surrounding land uses and cumulative risk levels

In reviewing Council's enclosed information, the Department confirms its previous position as provided to Council by letter dated 19 November 2012 that the proposed development is not potentially hazardous and it is not expected to pose unacceptable risks to surrounding land uses.

The information provided to the Department indicates that the proposed development would pose very low levels of risk and as such would be unlikely to impact the surrounding land uses and, as such, change cumulative risk levels from the BIP.

b. Risk from transport of dangerous goods

As you would be aware, the transportation of dangerous goods was not included in the scope of the Department's '*Botany/Randwick Industrial Area Land Use Safety Study 2001*'. However, the study recommended that these activities be taken into account in the assessment of new developments within the vicinity of BIP. I understand that this recommendation was included as a precautionary measure and

it does not imply that the risk from transport of dangerous goods is considered to be high.

It is understood that during the course of its assessment, Council requested Bunnings to undertake a Transport Risk Assessment (TRA). The TRA estimated that the total number of dangerous goods movements from the proposed development would be 324 per annum, which equates to 1 additional dangerous goods movement a day.

The TRA also provided a summary of current traffic movements along Denison Street based on Council traffic surveys. This found that there are up to 93 dangerous goods movements a day which represents around 1.61% of overall daily traffic volumes. The increase of 1 dangerous goods movement a day is considered to be a very low contributor to the risk from the transportation of dangerous goods in the area.

This confirms the Department's previous position in relation to this matter provided in a letter to Council dated 12 October 2012.

2. Potential risks from the BIP on Bunnings

a. Individual Risk from BIP complex

As you would be aware, the QRA BIP is now finalised and the findings of the report have been provided to Council. Based on these findings, the individual risk posed by the BIP on the proposed Bunnings development are below the risk levels adopted in NSW for commercial land uses.

b. Potential Impacts of Bunnings on Societal Risk

The Department does not have specific criteria for societal risk, but endorses a broad *As Low As Reasonably Possible* (ALARP) principle. It should be noted that the societal risk criteria published in the *Hazardous Industry Planning Advisory paper (HIPAP) No 4 Risk Criteria for Land Use Safety Planning* are indicative and provisional only.

The Societal Risk from the BIP complex is estimated in the QRA and has been reproduced in the TRA for the proposed development. The TRA conservatively estimated that since Bunnings would only operate during daytime hours, the associated increase of 'day population' would be 450 people with no increase in 'night population'. Based on the information provided in the TRA and the QRA BIP, it is expected that once Bunnings becomes operational, societal risk would remain within the ALARP Region.

The Department considers that, if the development is to be approved, that appropriate emergency planning provisions could be addressed in an Emergency Plan undertaken in accordance with the Department's *Hazardous Industry Planning Advisory Paper No 1 Emergency Planning* and in consultation with the BIP. Therefore the Department recommends the following Condition of Consent if the development is approved:

Pre-commissioning

1. The Applicant shall develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the proposed development. This plan shall include detailed procedures for the safety of all people outside and within the development who may be at risk. The Emergency Plan should take account of the potential impacts from Botany Industrial Park and should be developed in consultation with the BIP. The plan shall be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'.

No later than two months prior to the commencement of commissioning of the proposed development, or within such further period as Council may agree, the Applicant shall submit for the approval of Council documentation describing the Emergency Plan. Commissioning shall not commence until approval has been given by Council.

Should you have any further queries, please contact Lilia Donkova on 9228 6110.

Yours sincerely

 21/8/13

David Kitto
Acting Executive Director
Development Assessment Systems and Approvals



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29 August, 2013

BY EMAIL

Mr Phillip Drew
Development Approvals Manager
Bunnings Group Limited
Locked Bag 30
GRANVILLE NSW 2142

Dear Mr Drew

RE: PROPOSED BUNNINGS – HILLSDALE

I refer to your request for comment on a report prepared for The Joint Regional Planning Panel (Sydney East Region; hereafter the JRPP) by the Council of the City of Botany Bay (Council) in relation to the proposed Bunnings at Hillsdale.

Specifically, our attention has been drawn to comments on pages 27 – 28 of Council's report in relation to a disclaimer which appears in the Economic Impact Assessment (EIA) prepared by Leyshon Consulting and submitted to Council in August 2012. In summary, the Council report states that as a consequence of advice from its legal advisers, it *"...cannot rely upon the submitted economic impact assessment in its current form as the author has not disclosed those assumptions or representations upon which the author has relied, but which the author has no knowledge of its own."*

As a consequence of this stance, the Council report to the JRPP does not make any further comment on the contents of the Leyshon Consulting EIA.

At the outset, we are astonished that 12 months has elapsed since the submission of the EIA to Council without any indication from them regarding any difficulty they had with respect to the disclaimer contained in the EIA.

Secondly, Leyshon Consulting has been preparing Economic Impact Assessments for 25 years. They have been submitted to a wide range of Councils in New South Wales and Queensland during this time. We have never had an EIA rejected during this time over the issue raised by the Council.

The disclaimer referred to in the report prepared for the JRPP by Council appears in all of our EIA documents. Its inclusion in such reports is based on specific legal advice and at the request of our professional indemnity insurer. Other consultancy firms who prepare EIAs also include similar disclaimers (or "statements of limitation") in their reports, for example Hill PDA and Urbis.

The reference in the Leyshon disclaimer to "...assumptions and/or representations upon which Leyshon Consulting Pty Ltd has relied on but about which it has no knowledge of its own" principally relates to the utilisation of ABS or other state government resident population estimates, ABS Census data and data from other ABS collections such as the Household Expenditure Survey. Obviously, such data are impossible to independently verify and they are accepted and relied upon by ourselves and all other consultants operating in this field in Australia.

In all cases, the data sources relied upon are clearly set out in our EIA prepared for Bunnings in relation to Hillsdale. For example, on page six of the EIA, there is a specific discussion of the source of data used to prepare estimates of available retail spending in the defined trade area of the proposed store.

Further, all tables in the EIA report are appropriately sourced. Where we have collected data ourselves, these are also clearly identified in the EIA report, for example, the survey we undertook of existing hardware stores operating in Botany Local Government Area in July 2012.

If Council had raised their concerns about our EIA with us either directly, or indirectly through Bunnings, we could have addressed this issue well before the JRPP meeting.

In summary, we reiterate the findings of our report that:

- ▶ the impact of the proposed Bunnings at Hillsdale on existing small local centres in Botany LGA is expected to be minimal
- ▶ the impact on Kingsford Timber Mitre 10 is a clear example of retailer-to-retailer competition with an individual store which is located in an industrial area rather than a centre
- ▶ the impact on two small convenience-type hardware stores in the Botany and Matraville local centres respectively is expected to be minor in nature and, in any event, these stores are not "anchor tenants" for either of these centres

- there will be considerable growth in available spending on hardware and related products in the trade area during the period 2011 – 21 and of a quantum which will exceed the sales likely to be captured by the proposed Bunnings Hillsdale store
- the proposed development will create up to 150 jobs on a permanent basis and will contribute to the retention and creation of employment in the Hillsdale industrial area in particular and in Botany LGA in general.

Conclusion

I trust the above is sufficient for your purposes at present. Please do not hesitate to contact me on 02-9224-6111 or pdl@leycon.com.au if I can provide any further information at this stage.

Yours sincerely

LEYSHON CONSULTING PTY LTD



**PETER LEYSHON
DIRECTOR.**