

**SUPPLEMENTARY REPORT TO THE JOINT REGIONAL PLANNING
PANEL
(Sydney East Region)**

JRPP No	2012SYE009
DA Number	DA11/224
Local Government Area	City of Botany Bay
Proposed Development	<p>Integrated Development Application for the redevelopment of the site for a Bunnings Hardware and Building Supply centre in the following manner:</p> <ul style="list-style-type: none"> ▪ Demolition of the existing structures on site; ▪ Consolidation of the existing allotments and subdivision into four new allotments; ▪ Construction of a hardware and building supplies centre encompassing a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, service road/ramps and loading areas; ▪ Provision of 421 undercroft car parking spaces; ▪ Construction of a signalised intersection and associated roadwork to facilitate access, including land dedication to Council for a left turn lane from Denison Street; ▪ One (1) 13.6 metre high Pylon sign located at the south-eastern corner of the proposed signalised intersection, three (3) painted business identification signs being one located on the northern elevation, one on the western elevation and one on the southern elevation together with two (2) “hammer” logos, being one located on the northern elevation and one located on the southern elevation; ▪ Proposed hours of operation are 7:00am to 9:00pm, Monday to Friday and 8:00am to 6:00pm Saturday, Sunday and Public Holidays.
Street Address	140-148 Denison Street and 25-49 Smith Street, Hillsdale
Applicant/Owner	Bunnings Group Limited
Number of Submissions	<p>1st round = 47 submissions and two (2) petitions with a total of 254 signatures;</p> <p>Local Area Traffic Review submissions = 15 submissions and one (1) petition with 54 signatures;</p> <p>2nd round = 28 submissions</p>
Report by	Rodger Dowsett, Director Planning and Development

BACKGROUND

On the 4 September 2013, the Joint Regional Planning Panel – Sydney East considered a planning assessment report for Integrated Development Application No. 11/224 seeking consent for the redevelopment of the site for a Bunnings Hardware and Building Supply centre in the following manner:

- Demolition of the existing structures on site;
- Consolidation of the existing allotments and subdivision into four new allotments;
- Construction of a hardware and building supplies centre encompassing a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities and loading areas;
- Provision of 421 undercroft car parking spaces;
- Construction of a signalised intersection and associated roadwork to facilitate access, including land dedication to Council for a left turn lane from Denison Street;
- One (1) 13.6 metre high Pylon sign located at the south-eastern corner of the proposed signalised intersection, three (3) painted business identification signs being one located on the northern elevation, one on the western elevation and one on the southern elevation together with two (2) “hammer” logos, being one located on the northern elevation and one located on the southern elevation;
- Proposed hours of operation are 7:00am to 9:00pm, Monday to Friday and 8:00am to 6:00pm Saturday, Sunday and Public Holidays.

The Panel made the following recommendation on the 4 September 2013:

1. *The Panel resolves unanimously to defer the determination of the application.*
2. *The Panel requests the applicant submit amended drawings that relocate the loading dock away from residential boundaries. The amended drawings should be submitted by 4 October 2013.*
3. *The Panel requests the Council’s planning assessment officer to prepare a supplementary report informing the Panel whether the applicant has complied with the above request. The planning assessment officer is to prepare a set of draft conditions, which include those proposed by Mr Len Gawecki and jointly by Mr Craig McLaren and Mr Ross nettle. The above is to be provided by 18 October 2013.*
4. *The Panel requests the applicant to undertake a survey of existing traffic conditions in Boonah, Smith and Fraser Streets, focussing on weekend traffic, and to submit the results by the 4 October 2013.*
5. *Following receipt of the above material, the Panel will make a decision by communicating by electronic means unless it considers that a further meeting is necessary.*

Point 2

In relation to Point 2 of the Panels resolution, the Applicant submitted the amended architectural drawings on the 24 September 2013, however the Applicant has not relocated the loading dock away from the residential boundaries as directed and has submitted drawings which increase the height of the acoustic attenuation wall on the eastern elevation of the service road to an overall height of 5 metres continuously along the eastern edge of the service road. The loading dock and service road is then proposed to be roofed.

In a letter dated 20 September 2013, the Applicant states the following;

“The Panels request presents a fundamental and unreasonable operational burden, it is counter productive in terms of eliminating forklift activity, it promotes conflict within the one-way driveway system, and collectively a better outcome can be achieved through an alternative amendment. The alternative submission involves enclosure of the “Goods Inwards” area and increasing the height of the acoustic barrier from 3.5 metres to 5 metres continuously along the eastern edge of the perimeter driveway. The circumstances and supporting reasons behind this proposal area:

- *Under the scenario suggested by the Panel there would be a need to transport long lengths of timber (up to 6 metres), sheets of gyprock, cement bags, and similar bulky goods and heavy materials back down to the Timber Trade Sales (TTS) area along the external driveway on the northern side of the store. Due to the weight and size/shape of these products, forklifts would be in much greater use along the this driveway each and every day;*
- *There are no opportunities to take these products safely through the store during operating hours due to customer safety conflicts and a significant loss of productive floor area;*
- *Relocation of the GI activity to the southern side of the building will bring forklift and trucks into conflict with customer vehicles;*
- *Forklift laden with bulky products making the 100+ metre journey down the driveway, would come into direct conflict with Goods delivery vehicles which are travelling in the opposite direction along the driveway (heading for the GI area) and there is no effective passing or turnaround facility to respond to these conflicts other than reversing which poses safety hazards for drivers (forklift and/or truck drivers) and team members who may be within the driveway area undertaking their duties;*
- *There will still be a need for forklift activity at the eastern end of the building even if GI was relocated to the western end of the building, therefore much of the perceived acoustic benefit would be lost;*
- *Bunnings’ preferred alternative includes an increase in the height of the acoustic barrier from 3.5m to 5m along the entire eastern driveway edge as well as along the northern side of the GI, and adding a metal roof to enclose*

the GI area (inclusive of sound absorbing material to the underside of that roof);

- *Even under the presumption of continual operational use of the GI, acoustic consultants Wilkinson Murray conclude that noise generated from the GI will reach only 41dBA or less at nearby residences, whereas the existing ambient noise in the locality is 46 and 44dBA in the daytime and evening noise periods respectively, and whereas the site specific noise goals for residential properties in the locality is 50dBA and 49dBA in the daytime and evening periods respectively;*
- *The area between the proposed building and the rear fence of the residential neighbours will be landscaped and the marginal increase in height of the acoustic wall provides no essential change to the development as exhibited previously.*

Point 4

In response to Point 4 of the Panel's resolution, the Applicant has submitted to Council on the 24 September 2013 the traffic count surveys undertaken on Saturday 7 September 2013.

Whilst the submitted information does not detail the usage of Hensley Athletic Field for that day, a review of Council's booking records for Hensley Athletic Field for Saturday 7 September, indicate that it was booked for the entire day as follows:

Randwick Botany LAs	Saturday	07-Sep-13	8.30am-1.00pm
6 Side Football			2.00pm-7.30pm

It is noted that the bookings for the 7 September represent an average Saturday at Hensley, where up to 600 patrons may be present for Little Athletics alone. On this basis, the submitted traffic counts for the 7 September would represent an average Saturday for Hensley.

The traffic/parking conditions agreed to between Mr Nettle and Mr McLaren at the Panel meeting on the 4 September 2013 require additional measures for pre development traffic counts. It is noted that some of these point in Condition 1 are included in the submitted material, however it is assumed that a full pre-development traffic count addressing each point in Condition 1 would still be required pre construction, should the Panel resolve to approve the Development Application.

Agreed Traffic Conditions

Despite the drafting of agreed Conditions between the two Traffic Consultants, Council Officers are concerned with the wording of Condition 10, particularly where it refers to the word "*significant*" without actually defining what is or is not "*significant*". To achieve clarity and given the circumstances of the local roads (limited in width with crests and bends), it is recommended that the Panel include after the words "*significant infiltration*" in brackets, the words "*(ie. 5% above the pre development survey)*".

Further, Condition 10 refers to an eighteen (18) months period within which the Applicant is to fund the traffic measures, undertake community consultation and obtain Council approval of any required traffic measures. This period is excessive and should be reduced to twelve

(12) months, so that where any measures are required, these are implemented in a timely manner.

The final agreed condition between the Traffic Consultants requires negotiation between Council and Bunnings, which may have regard to paid Section 94 Contributions. However this is considered inappropriate. Any measures required to accommodate excessive traffic generation on the local road network should be entirely funded by Bunnings, as the land use has the potential to create an adverse impact on the local area and for this reason, the funding of works required by Condition No. 10 must be in addition to the Section 94 levy.

On this basis, it is recommended that the Panel amend the agreed conditions numbered 10 and 11 in the draft set of conditions.

CONCLUSION

Council has received amended plans from the Applicant, which do not adequately address the resolution of the Panel, in that the relocation of the service road and loading dock away from nearby residential dwellings has not been incorporated into the amended architectural plans.

Therefore, the issues detailed in initial Planning Assessment Report remain, particularly in respect of noise and traffic impacts, where the Applicant has not responded to the Panels directive. Council Officers maintain that there remains significant adverse impact on the amenity of the immediate neighbourhood and its inhabitants both in terms of adverse noise impacts and excessive traffic impacts.

In relation to risk, Council has now received a letter of response from the Department dated 18 October 2013, however despite receipt of this letter, the view is expressed that the issue of societal risk, individual risk and risk arising from dangerous goods transportation has not been adequately addressed.

In this regard, together with the design issues in respect of the loading dock location and changes in its design, the view is expressed to the Panel that in keeping with the earlier recommendation, the Development Application No. 11/224 be refused.

However, should the Panel have a mind to approve the Development Application, it is the view that the acoustic details from Wilkinson Murray dated 18 September 2013, which recommends the 5 metre high continuous acoustic attenuation barrier, should be reviewed by Council's Independent Acoustic Consultant prior to any determination made by the Panel to ensure a complete and consistent approach to the assessment process.

Point 3

Notwithstanding the above concerns held including reaffirmation of the previous position in respect of the development application, the requested set of draft conditions are attached for the Panels consideration, however Condition Nos. 12 and Condition No. 42 (j) – (k) should be the subject of Deferred Commencement Consent conditions.

