

**SUPPLEMENTARY REPORT & SUMMARY OF SUBMISSIONS 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>56 submissions</p> <p>Multiple petitions</p>
Report by	Rodger Dowsett, Director Planning and Development
Date	31 July 2014

BACKGROUND

On the 6 November 2013 the Joint Regional Planning Panel – Sydney East considered the Amended Supplementary 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 decision:

1. *Following the Council’s amended supplementary report (also published on this website on 22 October 2013), the Panel met on the 6 November 2013. Councillor Keneally attended by conference telephone.*
2. *The Panel considered the recommendation of the amended supplementary report to refuse the application, as well as the applicants submission giving reasons why the loading dock should remain in the existing location.*
3. *In the Panel’s opinion, the principal and determinative issue of this application is the impact on nearby residents. The Panel notes that the application has been revised to raise the height of the wall screening the loading dock and providing a roof over it. The applicant’s acoustic consultants have indicated the noise from the loading dock will be “barely audible”.*
4. *In the Panel’s opinion, a higher acoustic wall and new roof will change the visual impact on nearby residents and therefore the amended application should be re-exhibited. However, the amended drawings that the applicant has submitted provide a poor indication of what is proposed as they do not show the surroundings of the site and would be difficult for a lay person to comprehend. The Panel requests the applicant to submit new amended drawings that show all surrounding residences and include sections showing the relationship of the*

proposal to them. The Panel also notes that the landscaping shown on the plans is not shown on the northern elevation.

5. The Panel requests:

- a. The applicant to provide new amended drawings (as described above) by 15 November 2013;*
 - b. The Council to re-exhibit these for 14 days as soon as possible after their receipt;*
 - c. The Council to arrange for an independent review of the applicants acoustic report; and*
 - d. The Council's assessment officer to provide a summary of submissions following the re-exhibition.*
- 6. Following receipt of the independent review and the summary of submissions, the Panel will decide whether a public meeting is necessary before determining the application.*

In respect of this decision, the following has since occurred:

Decision 5(a)

As requested, the applicant submitted amended architectural drawing on the 14 November 2013.

Decision 5(b)

As requested, Council exhibited the applicant's amended architectural drawings, the amended landscape plans and amended subdivision plan together with the applicant's acoustic consultants letter dated 18 September 2013 for a period of 14 days from the 27 November 2013 to 11 December 2013. The submissions and petitions received in response are discussed below.

Decision 5(c)

Acoustic Review

Upon receipt of the applicants amended architectural plans, as requested the amended architectural plans together with the applicant's acoustic consultants letter dated 18 September 2013 were referred to Council's independent acoustic consultant for review on the 18 November 2013.

Council received a response from its acoustic consultant on the 5 February 2014. A summary of the key findings of The Acoustic Group letter dated 31 January 2014, are as follows:

- *The original noise assessment (Version A – October 2011) identified there were breaches of the noise targets determined by Wilkinson Murray despite a series of noise control measures that were nominated;*
- *Residents have opposed the subject application and have disputed the concepts provided by Wilkinson Murray as to typical operations with new*

terminology being provided in the latest report as purporting to represent worst case scenario;

- *To address the issue of noise impact for adjoining properties the barrier on the eastern and northern side of the site is proposed to be increased to 5 metres in height and that there will be a roof installed over the loading dock area and part of the roadway. Through positive noise controls, together with stipulating only 1 forklift truck can be in use in any 15 minute period and that only one truck is permitted to travel along the dock driveway in the same 15 minute period and 1 truck engine idling for the entire period indicates noise levels (if such noise is free from tonal and impulsive characteristics) to be under the more stringent criteria nominated by the Council by using the background levels occurring on the weekend rather than the average background level that occurs under the EPA policy;*
- *The Council has a history of seeking more stringent noise limits in the Botany/Banksmeadow industrial precinct to that nominated by the EPA and therefore the assessment should be looking at the Council's policy for the purpose of compliance;*
- *As to whether noise levels when measures on an averaging process over 15 minutes will protect the acoustic amenity of surrounding residents, rather than surrounding residences, is a matter not addressed in the acoustic report. Therefore, there must be an acknowledgement that the development if to proceed will create an acoustic impact and provided tonal and impulsive characteristics do not form part of the acoustic signature of the site then with the restrictions now imposed by Wilkinson Murray on a single truck movement in 15 minute period and 1 forklift truck to operate, together with the previous controls nominated for the exhaust fans and mechanical plant, then the subject development would create a noise that could be annoying but may not be considered of marginal significance;*
- *The previous restriction in terms of operating hours for the loading dock and truck movements on the site as discussed with the JRPP should apply;*
- *It is noted that there is no actual noise assessment from activities occurring in the loading dock as part of the acoustic assessment and as such it is recommended that if the development is to be approved then apart from the noise control measures that are required there should be independent compliance testing carried out with respect to the subject development, that we suggest should be assessed in terms of a more stringent criteria adopted by the Council rather than the EPA's Industrial Noise Policy criterion.*

Under letter dated the 17 February 2014, Bunnings were requested to clarify from their acoustic consultant in respect of matters arising from the review of the Addendum to the Acoustic Report.

The key points of the letter dated 17 February 2014, are as follows:

Part 1

Arising out of this process please have your acoustical consultant respond to the below matters.

1.
 - (i) *The means of control and regulate service traffic to a speed of 3km per hour; and*
 - (ii) *The expected noise emissions if for say the service vehicles attain speeds of 5km/hour or 10km/hour, together with the potential for service vehicles to queue as raised under point 3(ii), overleaf.*
2.
 - (i) *The awareness that the nearest residential receiver is vacant land, Lot 1 in DP 18290 and Lot A in DP 345700; and*
 - (ii)
 - (a) *The planning controls that apply to the adjoining R2 Zone permit dwellings to a height of 2 full storeys; and*
 - (b) *An awareness of the criteria that is normally adopted to assess and determine if imposed noise controls – expressed as sound pressure levels are subsequently met or otherwise.*
3. *The predicted noise emissions from the timber sales area taking into account:-*
 - (i) *All plant and equipment in use and operation;*
 - (ii) *The matters raised under point 2 above, and*
 - (iii) *Vehicle activity including both service vehicles and private vehicles.*
4. *An explanation as to the basis of noise modelling particularly in regard to data relied upon as to the number of service vehicles likely to enter the site on a per day or on a per hour basis; Clarification is therefore required as to the vehicles movement expressed either as per hour or on per day, basis.*
5. *An explanation in words and at a level appropriate to the inhabitants of the nearby residential neighbourhood, an understanding the noise impacts of the development will have upon them taking into account:*
 - (i) *The development site has been vacant for several years;*
 - (ii) *The degree of noise emanation from the previous two (2) land uses, namely Masterfoods and after them, Gazelle Foods; and*
 - (iii) *The characteristics of the residential neighbourhood to both Smith Street and Rhodes Street given their development potential.*

Part 2

In respect of Bunnings themselves the following is required:-

1. *The RL's of the acoustic wall.*
2. *Overshadow diagrams drawn to simulate shadow from the development at 9.00am, noon and 3.00pm as it occurs on June 21st.*

3.
 - (i) *The type and designation of vehicles that can enter upon and exit via the development's ring road?*
 - (ii) *The measures proposed to cater for the queuing of service vehicles on the ring road and prior to the loading dock.*
4. *What architectural treatment is proposed for the acoustic wall?*
5. *The means to remove 'bulk' goods (after sale) from the nursery?*

A response from Bunnings and their acoustic consultant on the 21 February 2014 addressing the acoustic matters raised in Council's letter.

In summary, the Wilkinson Murray response dated 20 February 2014, states the following:

- *Additional noise control measures contained in the Addendum Report dated 18 September 2013 include an increase in the northern and eastern acoustic barrier to a height of 5 metres and enclosure of the north-eastern loading dock to further reduce noise levels associated with Bunning's operations at existing residences surrounding the site. As a result, predicted noise levels are between 8-13 dBA below the most stringent evening noise criterion;*
- *Noise levels of service vehicles are based on noise measurements at an existing Bunnings site. The reference to a 3km per hour speed limit is a nominal estimation of service vehicle movements speed from observation. That is, it is an indication that service vehicles do not travel at any significant speed along the service road. It is anticipated that service vehicle speeds at Hillsdale will be consistent with these observations and will be further limited by site constrictions such as length of vehicle and turning circles;*
- *Our assessment has focussed on the acoustic amenity of existing residences. We are aware of the lots detailed in Item 2 of Council's letter. A simple review of the noise contours provided in the addendum indicates that maximum operational noise levels on the potentially most affected of these sites ranges between 45 and 50dBA. This compares to the day (7am to 6pm) /evening (6pm to 10pm) noise criteria of 50dBA and 49dBA respectively. Further to this we have placed a receiver point in the noise model at ground level and at a likely upper level location of a future residence on this lot. At these locations noise levels of 48dBA at both ground yard level and level 1 facade are predicted indicating compliance with site specific noise criteria;*
- *In the case of Item 2(ii)(b), we note that site specific noise criteria has been determined based on site noise measurements and Botany Council Standard Noise Criteria as detailed in the acoustic report;*
- *The timber sales area is located inside the warehouse with access on the southern side of the building. In addition, a 5 metre high barrier is proposed*

between the access point to this area and residences to the east of the site. As such, noise from this area will be contained and not acoustically significant.

- *Details of noise modelling are presented in Table 5 of the Acoustic Report. The modelling is based on noise measurements of existing operations at a similar Bunnings facility (Seven Hills) and advice from Bunnings. Tables 5-1 and 5-2 of the acoustic report detail assumptions used for modelling. The quantity of cars and trucks are presented as a “worst case” hourly period and does not infer that this intensity of trucks will occur for each hour of operation.*
- *It is noted that the site is zoned for industrial use and is currently vacant. As such noise from surrounding industry to the south and east of these residences is unhindered by any structures on the site. It was estimated from past noise monitoring that existing industrial noise at the eastern end of the site in the night period is in the order of 51dBA.*

The construction of the warehouse and walls on this site will shield industrial noise from the west and south of the site. In addition, traffic noise on Denison Street will be shielded to residences on Rhodes Street and Smith Street.

The additional noise control measures proposed by Bunnings to the dock and service driveway are, in effect, likely to result in a reduction in industrial noise levels at surrounding residences. This is because the resultant noise levels from Bunnings operations are predicted to at least 3dBA below the background noise levels at existing residences.

Given that residences on Smith Street and Rhodes Street are in an industrial interface where the site could be used on a 24 hour basis the use of the site for a Bunnings warehouse, from an acoustic perspective, could be considered to be a low impact.

Assessment Officers Comment:

In respect of the Addendum to the Acoustic Report, the review undertaken by Council's consultant and further comments from the Applicant and Wilkinson Murray received on 25 February 2014 have been assessed and it is considered that these have not adequately addressed the concerns of the Assessment Officer. It is noted that the Applicant has not responded to Part 2 of Council's letter dated 17 February 2014. Despite RL's being marked on the plans, the exact RL height of the acoustic wall is not identified on the plans and as such may introduce at a later date, potential compliance issues in the future.

In respect of the acoustic review and response, it is necessary to provide the Panel with clarity on the frequency of truck movements/deliveries to the proposed loading dock at the eastern part of the warehouse. As stated by Wilkinson Murray, the acoustic modelling within the acoustic reports represent a worst case scenario, where measurements are based on four (4) truck movements/deliveries to the site per hour, measured at a 15 minute period. Clarification was sought by Council in 2012 and on the 12 June 2012, the Applicant provided a response to the submissions prepared by Brown Consulting which states that only four (4) trucks per day are proposed to access the site and the eastern loading dock area. This is consistent with verbal advice provided to the Panel by Mr Drew on 4 September 2013.

On this basis, the proposed four (4) truck movements per day would be within the noise levels predicted for four (4) per hour, providing that only 1 forklift truck can be in use in any 15 minute period and that only one truck is permitted to travel along the dock driveway in the same 15 minute period and 1 truck engine idling for the entire period.

Notwithstanding the above, the Addendum to the Acoustic Report and the Acoustic Review highlight the difficult manner in which the service road will require to be managed. This again has the potential to introduce an ongoing compliance activity for the Council in the future, as it will be difficult to monitor and log the speed at which heavy vehicles are travelling along the service road, the frequency of movements and strict compliance with the amended draft condition.

Therefore, it will be necessary to amend the draft conditions provided to the Panel on 21 October 2013, to include conditions which restrict the number of trucks to four (4) per day, require the additional acoustic measures to be included restricting activities that occur in any given 15 minute period, to restrict the speed of vehicles travelling along the service road and to acknowledge the Addendum to the Acoustic Report and amended architectural plans submitted to Council on the 14 November 2013. However, conditions of this nature would no doubt present as a compliance issue. For this reason and those reasons stated above, the loading dock should, as previously expressed to the Panel, be relocated to the southern side of the building.

Summary of Submissions

As previously stated, the amended plans, amended landscape plan, amended subdivision plan and the applicants acoustic consultants letter dated 18 September 2013 were placed on exhibition for a period of 14 days from the 27 November to 11 December 2013.

A total of fifty six (56) submissions were received as a result of the notification of the amended plans and Addendum to the Acoustic Report. Three (3) petitions have been received, one in respect of contamination, one in respect of traffic impact and one in respect of dangerous goods transportation and risk.

The matters raised in the submissions are contamination, traffic impact, impacts from risk and risk from dangerous goods transportation. Only two (2) submissions relate to noise impact. The issue of noise has been discussed above.

Contamination

At the request of the Panel, Council's Environmental Consultant attended the Panel Meeting on the 4 September 2013 for any assistance this person may have provided. At the meeting, the Consultant reviewed the Site Audit Report Ref No. AS120234 and the Environmental Management Plan Ref No. 12017 submitted on the 3 September 2013 and provided advice that the submitted reports appeared satisfactory.

To provide further clarity to the Panel, Council requested its Consultant to undertake a further review of the submitted reports. Under email dated 22 January 2014, the Consultant advised as follows:

The Site Audit Statement has considered all the relevant reports in relation to the potential for contamination to remain on the site, and the proposed use of the site. Provided the Environment Management Plan prepared by Cavvanba, dated June 2013, is implemented the site has been deemed suitable for the proposed commercial/industrial use.

More specifically the following can be noted:

- *The Audit report is an update of the previous audit report issued in October 2006 and addresses additional investigations and work undertaken between 2006 and 2012.*
- *The remaining contamination issues that require management are:*
 - *Asbestos – bonded asbestos fragments may be encountered. This issue can be managed, and is often managed on a number of sites during redevelopment.*
 - *Residual petroleum impacts may be present in a small area. Due to the nature of these impacts (primarily comprising heavy end petroleum compounds, and little volatile petroleum compounds are present) and the depth (6m or deeper) the potential for risk issues (from inhalation of vapours or direct contact with contamination) was considered to be low. Based on my review this is appropriate. The EMP has included measures to ensure that excavations to depth do not occur on the site.*
 - *The potential for unexpected soil conditions (contamination) remains in some areas and this is addressed by having measures in place in the EMP to deal with these areas, should they be present.*
- *The EMP addresses all the relevant aspects associated with residual contamination that remains on the site. It is important that the EMP is implemented through the development consent conditions. This is appropriate and is a common mechanism for addressing residual contamination during redevelopment and future use of a former contaminated site.*
- *There are no data that indicate that the measures outlined in the EMP would not be adequate to address any residual risks that may remain on the site. Hence the EMP is appropriate for the site and proposed development.*

Overall the revised Site Audit Statement and Report (and associated recommendation that the EMP is to be implemented) are acceptable for the site and the proposed development.

Based on the above comments, Condition No. 34 has been amended to apply to all stages of demolition, construction and ongoing use, that the measures contained in the Environmental Management Plan are implemented at specified times.

Traffic Impact

The Panel at its meeting on the 4 September 2013 has already determined the matter of traffic by way of an agreed set of draft conditions between the two Traffic Consultants. Therefore, no further comments are made in respect of the traffic comments made in the submissions.

It is however re-iterated that the previous position is that traffic impacts on the local residential area being Smith Street, Boonah Avenue and Fraser Avenue be dealt with prior to determination of the development application and not in the post construction era, as has been accepted by the Panel.

Risk and Risk from Dangerous Goods Transportation

It is noted that the Department has briefed Council Officers on the 23 June 2014 and the Panel on the 16 July 2014 in respect of the preliminary findings of the Quantitative Risk Assessment (QRA) of Dangerous Goods Transport along Denison Street.

To date, the Department has not furnished Council with either a draft or final report, therefore no further comments are made in respect of the Risk arising from Dangerous Goods Transportation on Denison Street and whether or not draft Condition Nos. 12-15 and 97 require amendment.