

JOINT REGIONAL PLANNING PANEL
(Sydney East Region)

JRPP No	2015/SYE069
DA Number	LDA2015/214
Local Government Area	City of Ryde
Proposed Development	Demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre comprising two tenancies (no fitout proposed); and construction of a child care centre building including two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage.
Street Address	459 & 461-495 Victoria Road, Gladesville
Applicant	Bunnings Properties Pty Ltd
Owners	Bunnings Properties Pty Ltd – 461-495 Victoria Road, Gladesville. Salvatore and Anna Circosta – 459 Victoria Road, Gladesville.
Number of Submissions	61 submissions received
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 Million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy No. 64 Advertising and Signage • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Infrastructure) 2004

	<ul style="list-style-type: none"> • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007.
List all documents submitted with this report for the panel's consideration	Conditions of consent Clause 4.6 variation request: height
Recommendation	Approval with Conditions
Report by	Planning Ingenuity, Consultant Planners to City of Ryde Council
Report dated	16 October 2015

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

This report considers an application for demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre comprising two tenancies (no fitout proposed); construction of a child care centre building; two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage at Nos. 459, 461-495 Victoria Road, Gladesville.

The site is a large former quarry that has been the subject of a Planning Proposal (LEP Amendment 5) to amend the zoning from 'IN2 – Light Industrial' to 'B5 – Business Development' with associated height increases. At the time that the application was lodged LEP Amendment 5 was in draft form, however, it has since been gazetted. The Draft LEP contained no savings or transitional provisions. The proposal comprises a warehouse/building supplies use, bulky goods use and an "in principle" child care use, all of which are permissible with consent in the zone.

The proposal involves the construction of 900 parking spaces on the site and will generate increased traffic. The application involves road widening and the inclusion of intersection works that have been previously approved to ensure that access to and from the site is in the most suitable location and will not give rise to undue impacts on the local traffic network. The traffic, vehicular access and parking arrangements at the site have been accepted by Council's

Traffic Engineer and are in accordance with the relevant development control plan.

The development includes the closure of College Street which is in accordance with a DCP requirement that stems from a Council resolution. The Council resolution, which was a resolution to endorse the rezoning of the site, also requires the applicant to undertake various road works that are off site. The applicant will be required to do all road works that are in the vicinity of the site including the closure of College Street and works to Cressy Road.

The proposal includes three construction stages which, in light of the magnitude of the development is reasonable. The staging of the construction process will involve temporary road access and retaining existing buildings and access points at the site. Subject to compliance with the construction management conditions and methodologies proposed by the applicant, the staging of the construction will have acceptable impacts on residential properties and the ongoing operation of businesses, including a child care centre at the site.

The application seeks a departure from the newly gazetted maximum height limits that apply to the site. The applicant has provided suitable justification within a Clause 4.6 variation statement to demonstrate that the flexibility to the height standard will result in an improved outcome for and from the development.

The application has demonstrated that the development is consistent with the relevant provisions of the DCP that relate to the subject site under Part 6.5 and the remaining provisions of the DCP relating to amongst other things, parking and signage.

During course of the assessment of the DA, Council received sixty one (61) submissions. The submissions raise various concerns the key ones being traffic impacts including the trial closure of College Street, parking, potential length of the construction period and resultant impact to residents and businesses, the proposed staged construction may not see the development completed, impact from construction on the existing child care centre on the site, and hours of operation. All of the issues raised have been addressed in the report.

The development in its current form will not give rise to significant or unreasonable impacts on the amenity of the adjoining residential properties.

It is recommended that the application be approved subject to conditions.

2. APPLICATION DETAILS

Applicant: Bunnings Properties Pty Ltd

Owner: Bunnings Properties Pty Ltd, and Salvatore & Anna Circosta

Estimated value of works: \$81,510,000

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. SITE DESCRIPTION & CONTEXT

The site is located on the northern side of Victoria Road and has street frontages to Frank Street and College Street. The site comprises two parcels of land identified as follows:

- Nos. 461-495 Victoria Road, Gladesville with a legal property description of Lot 300 DP1194688; and
- 459 Victoria Road, Gladesville, with a legal property description of Lot 2 DP 1008105.

A site location plan is provide at **Figure 1** below.



Figure 1: Site Location

The main portion of the site is 461-495 Victoria Road which has an area of 3.709 hectares. The other smaller parcel of land is identified as No. 459

Victoria Road and forms part of the site to assist with a new vehicular access point at the intersection of Victoria Road and Tennyson Road.

The site is currently occupied by 5 separate buildings that are used for various light industrial purposes and a child care centre. The aerial photograph contained in **Figure 2** below identifies the location of the buildings at the site and the existing access points from College and Frank Street.

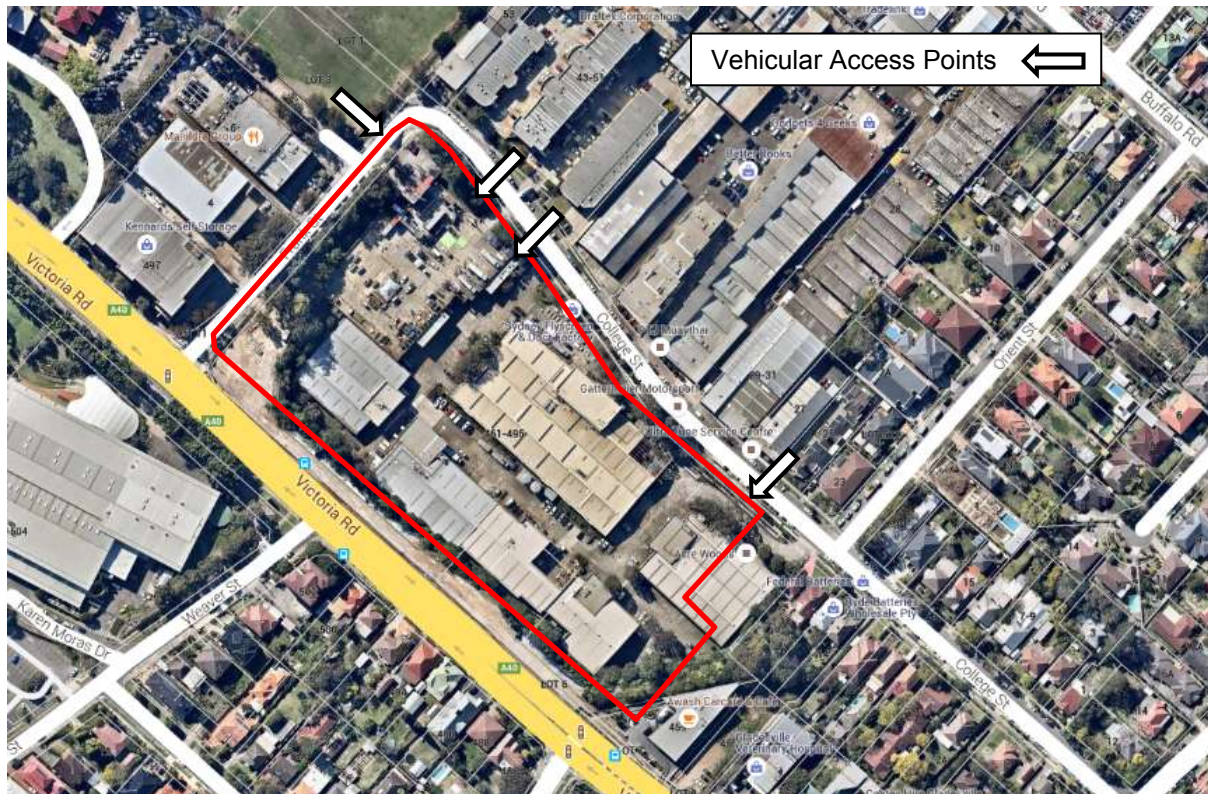


Figure 2: Aerial photograph of the site

The site is a former quarry and as such the existing ground levels are significantly altered from the original ground levels and as a result the site sits well below the level of Victoria Road and parts of the College Street frontage.

Figure 3 below is an aerial photograph that identifies the existing buildings at the site and the change in level between the site and Victoria Road.



Figure 3: Perspective photograph of the site and its relationship to Victoria Road

The central part of the site where the buildings, driveways and parking areas are located is between 6m and 15m lower than Victoria Road. Due to the change in level between Victoria Road and the site, the existing buildings do not have a street presence when viewed from Victoria Road.

In addition, the buildings that are situated at the south-eastern portion of the site are generally located below the level of the College Street road frontage as indicated at **Figure 4** below.



Figure 4: Streetscape presentation of the existing buildings viewed from College Street

In relation to context, the site is located within, and on the periphery of, an industrial area with residential properties located to the south, on the opposite side of Victoria Road and to the south east. No. 18 College Street is the only residential property that adjoins the site and shares a common side boundary.

The remaining properties that surround the site are located on the opposite side of each street frontage and include two storey industrial buildings within College Street (see **Figure 5** below).



Figure 5: Existing industrial buildings on the opposite side of College Street

Between 2 and 4 storey buildings are located to the north-west of the site on the opposite side of Frank Street. **Figure 6** below identifies the existing Kennard's Hire Building located on the corner of Frank Street and Victoria Road.



Figure 6: Kennard's Hire Building on the corner of Victoria Road and Frank Street

Ryde Aquatic and Leisure Centre is located to the west of the site on the opposite side of Victoria Road and has a single storey presentation to Victoria Road.

4. SITE DETAILS

The site has a total area of 37,088m² which includes No. 461-495 Victoria Road, Gladesville and the proposal also relates to a small section of No. 459 Victoria Road, Gladesville.

5. PROPOSAL

5.1 Overview

The proposed development seeks consent for the staged construction (3 stages) of a Homemaker Centre, including a Bunnings Warehouse and a child care centre, and two separate buildings comprising bulky goods retail space. The proposal does not seek staged consent pursuant to Section 83B of the Environmental Planning and Assessment Act, 1979, but rather to construct the development in stages to allow for the continued operation of parts of the site during the construction program. The proposal once complete includes the following:

- Demolition of all existing structures and bulk earthworks;
- Construction and fit-out of a Bunnings Warehouse, a bulky goods Homemaker Centre comprising two separate buildings (no fit-out proposed), and a child care centre for up to 50 children (no fit-out or operational details proposed);
- Two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road;
- Trial closure (12 month trial) of College Street, removal of trees, landscaping works, stratum subdivision, road widening and signage; and
- Operationally, the proposed hours of operation for Bunnings Warehouse are 6am to 10pm Mondays to Fridays and 6am to 7pm weekends and public holidays. Proposed hours of operation for bulky goods uses are 8am to 9pm Mondays to Fridays and 8am to 7pm weekends and public holidays.

5.2 Staged Demolition and Bulk Earth Works

The proposal seeks consent to demolish all existing site improvements, remove some existing trees and undertake bulk earth works to enable the construction of the development as detailed below. Demolition will take place according to the structure programming of the proposal (over 3 stages) and is described diagrammatically at **Figure 7** below.

and the implementation of the full trial road closure of College Street to be completed prior to the commencing of demolition. The performance of the trial closure is to be reviewed 12 months after the Bunnings store commences operation.

The existing driveway access to the south-eastern side of the road closure within College Street is proposed to be retained to allow for the continued operation of the Child Care Centre within the remaining portion of Building F and access to Building G. The temporary access arrangements from College Street and the proposed internal vehicular access arrangements within the site will ensure the separation of traffic associated with the existing buildings and the proposed Bunnings Warehouse.

Parking Level 2 is proposed at RL35 and includes the construction of a basement parking level including 260 parking spaces with associated disabled parking spaces as well as pedestrian lift and elevator access to the levels above. Parking Level 1 is accessed via a ramp extending from Parking Level 2 and from the new access points extending from Frank Street. The Frank Street access points allow for domestic traffic and access to loading areas and for delivery and collection vehicles. Level 1 includes a further 280 parking spaces with associated elevator and lift access. The site access and parking arrangements associated with Stage 1 is indicated at **Figure 8** below.

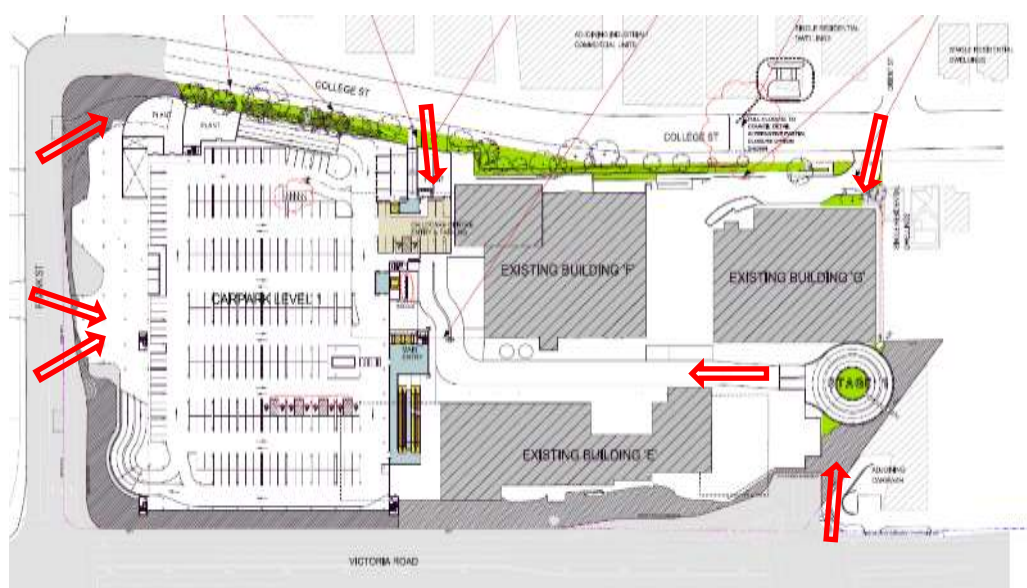


Figure 8: Site Access and Parking as Part of Stage 1 Works

Stage 1 also involves the construction of a two storey Bunnings Warehouse building comprising Warehouse Level 1 which will have a finished floor level of RL 45.4 and will include an open warehouse area and timber trade sales area.

A child care centre 'shell' (no use proposed) is also proposed on Level 1 and contains a lift that connects with the entry and parking spaces located on Parking Level 1.

Level 2 will have a finished floor level of RL 52 and will contain an open warehouse with a void to the level below as well as a bagged goods area and open nursery. The location of the building works associated with the Bunnings Building is detailed at **Figure 9** below.

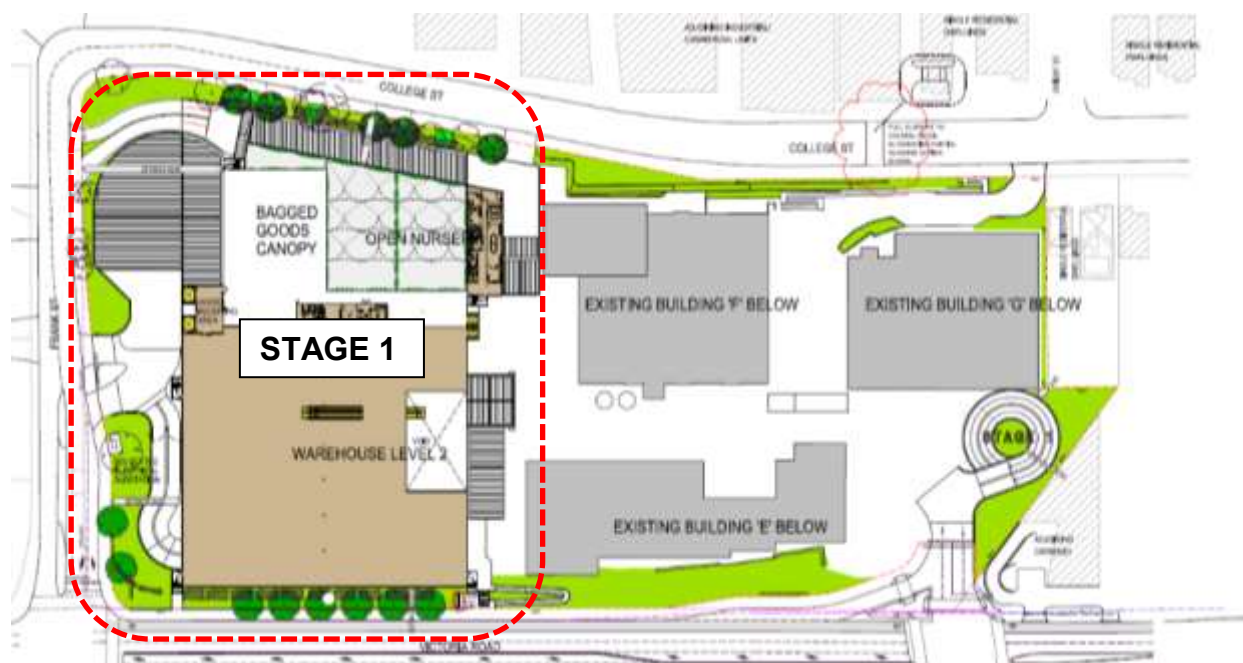


Figure 9: Location of the building works associated with the Bunnings Warehouse Building

5.4 Stage 2 Construction of Bulky Goods Tenancies (South) and Access Arrangements

Stage 2 involves the demolition of the remaining portions of Blocks D & E to enable the construction of a parking area at Parking Level 2 that will accommodate 50 vehicles. Parking Level 2 also contains a void area that allows for flood storage if required.

In relation to access arrangements to the site, bollards will be provided to ensure that traffic associated with the Bunnings Warehouse and the proposed bulky goods tenancies will not be able to enter or leave the site from College Street.

Parking Level 1 will provide a further 120 parking spaces and will be accessed via the existing two way circular access way extending from Victoria Road. Access from the parking levels to the proposed bulky goods tenancies will be available via the proposed escalators and lifts.

Proposed Level 1 of Stage 2 will contain two separate bulky good tenancies that appear to be capable of separation into 7 smaller tenancies with associated amenities. Common amenities areas are provided at the southern part of Level 1.

Proposed Level 2 of Stage 2 will contain a pedestrian access that extends from Victoria Road as well as a vehicular access area for delivery and collection of bulky goods that extends from the Victoria Road and Tennyson Road intersection. The location of the proposed works associated with Stage 2 is detailed at **Figure 10** below.

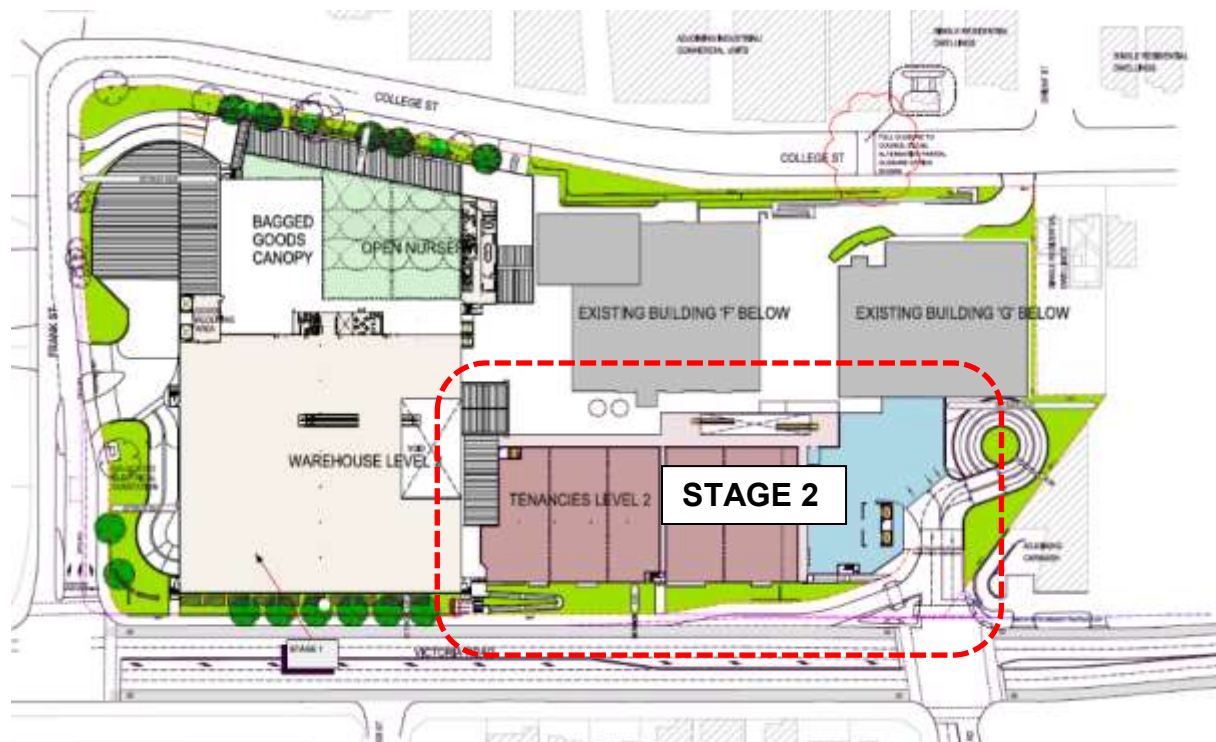


Figure 10: Pedestrian, vehicular access and Level 2 of Stage 2

5.5 Stage 3 Construction of Bulky Goods Tenancies (North) and Finalisation of all Access Arrangements

Stage 3 involves the closure of all remaining vehicular access points from College Street. The remainder of Building F and Building G will be demolished to enable the construction of an additional bulky goods warehouse building. Vehicular access will be gained via the existing main access point extending from Victoria Road. The loading area will be extended at the upper level to allow for delivery and collection of goods. A pedestrian access point will be provided to the site from College Street at the northern side of the road closure.

The lower level will contain a large area of open storage within an area identified as foundation space on the submitted plans. The level above will contain parking for an additional 180 vehicles with associated pedestrian access to the levels above via a lift and one set of escalators in addition to those provided as part of Stage 2.

Level 1 will contain two bulky good premises that appear to be capable of accommodating 7 separate premises.

Level 2 will contain an additional two bulky good premises that appear to be capable of being occupied by 6 separate tenancies with an associated loading area and bin storage area that extends from the loading area that was constructed as part of Stage 2. The two storey bulky goods premises will be setback 33m from College Street and 27m from the residential property to the south of the site (No. 18 College Street).

The location of the proposed works associated with Stage 3 is identified at **Figure 11** below.

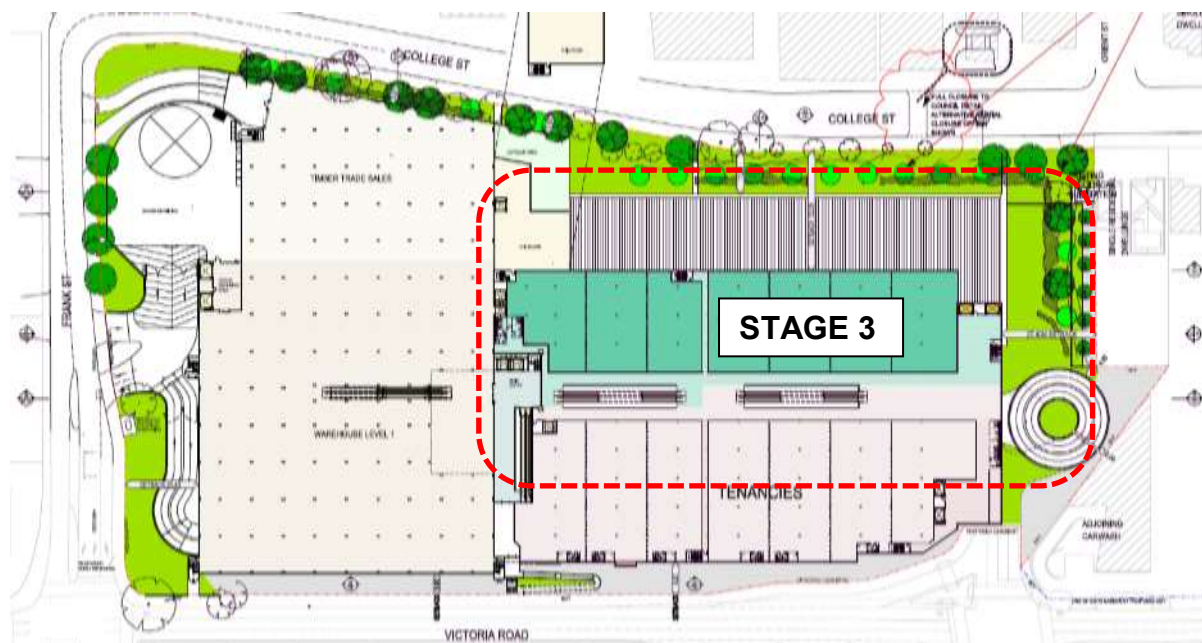


Figure 11: Location of Works Associated with Stage 3

5.6 Externally

Externally, the proposed buildings will be constructed to a height that provides a presentation to each street frontage of a scale that is consistent with surrounding development at each street frontage. This is considered to be an improvement to the existing buildings at the site. The external appearance of the Bunnings Building Associated with Stage 1 is indicated at **Figure 12** below.



Figure 12: Photomontage of the proposed Bunnings Building

The proposed building associated with Stage 2 will provide some degree of activation to the Victoria Road street frontage though the incorporation of large and irregular shop front windows and a pedestrian access point as well as building details that demarcate the pedestrian and vehicular access arrangements. The southern elevation of the proposed building is indicated at **Figure 13** below. In addition, **Figure 14** below provides a photomontage of the development viewed from the corner of Frank Street and College Street.

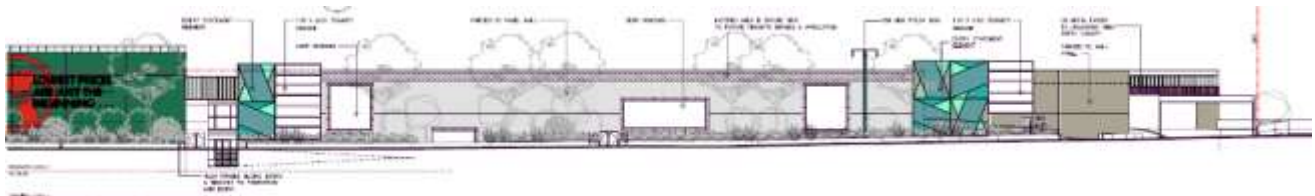


Figure 13: Southern elevation (facing Victoria Road) of the Stage 2 Building



Figure 14: Bunnings Building when viewed from Frank and College Street

5.7 Road Works and Road Widening

The proposal involves road works in relation to Victoria Road, the intersection of Victoria Road and Frank Street and the full closure of College Street for a trial period commencing from prior to construction/demolition with a review occurring after 12 months operation of the Bunnings Store. Each aspect of the proposal is described as follows:

- The proposal involves road works at the intersection of Victoria Road and Tennyson Road which are essentially identical to the works that were approved by the NSW Land and Environment Court in LDA2012/0412. Following the construction of the intersection, the proposal involves dedication of the new roadway to the Roads and Maritime Service free of cost. The applicant has included these previously approved works into this proposal to ensure that all works form part of a single consent;
- In relation to the upgrade and widening of the intersection of Frank Street and Victoria Road the proposal will allow for the widening of this intersection to enable heavy vehicles to enter and leave the site via the Frank Street. The proposal also involves dedication of the widened road to Council free of cost; and
- In accordance with the resolution of Council on 28 April 2015, the applicant will arrange for the full trial closure of College Street prior to the commencement of demolition/construction for the Bunnings store. The applicant will be required to undertake a review of the closure after 12 months operation of the Bunnings store to evaluate the success of the road closure and determine the appropriateness of arranging for the permanent closure of College Street. Such arrangements have been incorporated into the consent conditions (see conditions 4, 5 and 6).

5.8 Signage

The application seeks consent for the construction of business identification signage associated with the proposed Bunnings Warehouse Building and makes provision for future signage associated with the bulky goods warehouse buildings. No signage is proposed for the child care centre as part of this DA.

The Bunnings Signage includes 2 x free standing pylon signs. The first is to be located at the corner of Victoria Road and Frank Street and the other to be located close to the Victoria Road/Tennyson Road intersection. The signs are proposed to be 12m high x 4.8m.

In addition, the Bunnings building will include the following painted wall signs:

- East – “*Bunnings Warehouse*” text with dimensions of 7.9m x 2.5m
- East – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 7.2m;
- North – “*Bunnings Warehouse*” text x two (2) signs with dimensions of 11.8m x 3.75m (Level 1 wall) 7.907m x 5.5m (Level 2 wall);
- North – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 11.8m x 3.75m;
- South – “*Bunnings Warehouse*” text with dimensions of 18.192m x 10.5m;
- South – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m;
- West – “*Bunnings Warehouse*” text with dimensions of 18.192m x 5.75m; and
- West – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m.

In relation to the other tenancies that comprise the homemaker centre the proposal includes tenancy signage boards that are capable of accommodating signage according to each future use. Provision has also been made for wall signs for the Homemaker Centre component of the building in the form of banding along the top of the Victoria Road façade.

5.9 Landscaping and Public Domain Works

The proposal involves the removal of 113 existing trees from the site and will retain 23 trees that are mostly clustered at the College Street frontage. The proposal involves extensive planting to mitigate the loss of the existing trees from the site.

The proposal involves the removal of 2 existing Sydney Blue Gum trees, however, the trees have been planted as part of the rehabilitation of the former quarry site and as such do not form part of the Sydney Blue Gum High Forest.

Public domain works are limited to the construction of a public pathway at the Frank Street frontage as the proposal involves the retention of the existing pathway along College Street.

5.10 Stratum Subdivision

The site access and intersection works at the junction of Victoria Road and Tennyson Road requires the Stratum Subdivision of a portion of land that is 59m². This is required as the Road works will be constructed over an existing ramp associated with No. 459 Victoria Road, Gladesville. It is noted that this stratum subdivision was approved as part of the NSW LEC Approval relating to the intersection works under LDA2012/0412.

5.9 Operational Aspects

The application seeks consent for the operation of the Bunnings Warehouse building and in principle operational details associated with the bulky goods warehouse building. Operational matters associated with the child care centre will be the subject of a separate development application if required.

In relation to Bunnings Warehouse use, the proposal includes hours of operation as follows:

- Monday to Friday – 6.00am till 10.00pm; and
- Saturdays, Sundays and Public Holidays – 6.00am till 7.00pm.

The bulky goods warehouse uses seeks consent for operation between the following hours:

- Monday to Friday – 8.00am till 9.00pm; and
- Saturdays, Sundays and Public Holidays – 8.00am till 7.00pm.

5.10 Development Statistics

Provided below are the following development statistics that relate to the site and the proposed development.

Site Area	3.709 hectares
Building Height (max)	RL62.4 (to parapet of Bunnings Warehouse) RL 59.10 (to parapet of Homemaker Centre)
Gross Floor Area (GFA)	37,088m ²
Bunnings Warehouse ¹	18,100m ²
Outdoor nursery	1,060m ² (not part of GFA)
Bagged goods	1,585m ²
Timber trade sales	3,038m ² (includes car parking for pick up)
Warehouse trade area, office & entry	13,178m ²
Homemaker Centre (bulky goods retailing) ¹	16,548m ² + 1500m ² (storage in foundation area)
Child Care Centre ¹	940m ²
Car Parking	900 spaces

Note 1: The Bunnings Warehouse (18,100m²), Homemaker Centre (18048m²) and Child Care Centre (940m²) comprise the total GFA of the proposed development.

6. BACKGROUND

6.1 Previously approved DA (Intersection works)

A development application for intersection works at the junction of Victoria Road and Tennyson Road was approved by the NSW Land and Environment Court on LDA2012/0412. Despite having consent for these works, the applicant seeks to incorporate the intersection works into this consent to ensure that all works on and off-site are covered by this development application.

6.2 Ryde LEP 2014 (Amendment 5)

A Planning Proposal (LEP Amendment 5) was initiated by the applicant to amend Ryde LEP 2014 in relation to the zoning, height limits and road widening relating to the subject site. The Planning Proposal sought to change the zone from 'IN2 – Light Industrial' to 'B5 – Business Development' and amend the height limits at the site from the prescribed 10m building height, to specified heights of between RL63, RL52 and RL42 AHD. In addition, the Planning Proposal included the identification of the areas approved for road widening under LDA2012/0412.

At the time that this application was submitted to Council, LEP Amendment 5 was in draft form, as it was with the Department of Planning and Environment pending gazettal. LEP Amendment 5 was gazetted on 21 August 2015 having the effect of changing the zone and amending the height maps as proposed.

The savings provisions of Clause 1.8A of the LEP do not extend to the LEP Amendment and as such the newly gazetted zone and height limits apply to the subject application. There is no impact in terms of permissibility of the development, however, the height limit has significantly increased. An assessment of the relevant provisions of the LEP as they apply to the application is provided later in this Report.

6.3 Draft DCP Amendment

A site specific DCP has been prepared in relation to the site in anticipation of the gazettal of LEP Amendment 5. The Draft DCP came into effect upon gazettal of Amendment 5 of the LEP and is considered in detail in the planning assessment of this application.

6.4 Council Resolution – Road Closure and Site Specific Aspects

At its meeting of 28 April 2015 Council resolved as follows:

- (a) *That Council exercise the delegation issued by the Minister for Planning and Infrastructure to make the planning proposal to amend the land use zone applicable to 461-495 Victoria Road from IN2 Light Industrial to B5 Business Development and the permissible height under Ryde Local Environmental Plan (LEP) 2014 applicable to the site from 10m to RL63, RL52 and RL 42 (stepping down from 12-15m on Victoria Road to approximately 7-17m on College Street).*
- (b) *That in making the LEP amendment Council will adjust the exhibited map site boundaries to reflect the Victoria Road widening in accordance with recent subdivision approval to create LOT 300 DP 1194688, 461-495 Victoria Road, Gladesville.*
- (c) *That Council adopt the following for inclusion in the Bunnings Gladesville Traffic and Parking Study:*
 - a. *Trial full closure of College St to be implemented prior to Bunnings commencing construction (at no cost to council by Bunnings). The trial shall be reviewed after 12 months of operation of the Bunnings store and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies;*
 - b. *Cressy Rd carriageway widening to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - c. *Cressy Rd (eastern side) full width footpath and safety fence from Victoria Rd corner to Holy Cross College entry to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - d. *Tennyson Road and Frank Street site access to be implemented at stage 1 and operable on commencement of Bunnings operations (at no cost to council by Bunnings);*
 - e. *Traffic signals changes and site access at Tennyson Rd to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - f. *Pedestrian and road safety audit and management plan be prepared that considers the high probability that parents will park at Bunnings to pick up school children or for access to sporting fields (at no cost to council by Bunnings) and also to consider the impact of the two proposed child care centres in that location*
 - g. *A parking optimisation plan for Frank Street and College Street between Frank Street and Orient Street be prepared to counteract any loss of parking due to the Bunnings development and implemented (at no cost to council by Bunnings)*
 - h. *Roundabout at Monash/Buffalo Road intersection;*
 - i. *Detailed study into the impacts of a right hand turn at Westminster Street and a right hand turn ban during the evening peak at Jordan Street from Victoria Road (at no cost to council - developer funded)*
 - j. *Detailed study into the traffic and parking impacts be undertaken for any proposed rezoning that includes land use changes and increased densities for sites adjoining Tennyson Road. The aforementioned traffic and parking impact study is to be modelled on the Bunnings Gladesville Traffic and Parking Impact Study in terms of its scope and deliverables. (at no cost to Council – developer funded);*
 - k. *An additional traffic and parking study, as detailed in part (j) above, be undertaken for the area bounded by Pittwater Road to Monash Road and Ryde Road to Victoria Road. (at no cost to Council – developer funded).*
- (d) *That a Roundabout at Monash/Buffalo Road intersection be included in the 2016/2017 City of Ryde Delivery Plan with the funds drawn from the Section 94 reserve.*

- (e) *That Council refer the following matters to the Traffic Committee for consideration: i. Speed management for the area bounded by Cressy, Pittwater, Higginbotham and Victoria Roads ii. Parking optimisation for Eltham Street*
- (f) *That Council adopt a site specific Development Control Plan for 461-495 Victoria Road Gladesville amended in accordance with the above changes in the Bunnings Gladesville Traffic and Parking Study.*
- (g) *That Council delegate the General Manager to make amendment to the site specific Development Control Plan for 461-495 Victoria Road Gladesville to implement Council's resolutions prior to notifying the plan in accordance with the Environmental Planning and Assessment Act.*
- (h) *That Council notify all community members who made a submission regarding the planning proposal of the outcomes and thank them for taking the time to become involved in local planning.*

The above Council resolution, which was a resolution to endorse the rezoning of the site, requires the applicant to instigate the trial closure of College Street as well as various public domain works that are off-site. The applicant will be required to do all road works that are in the vicinity of the site including the closure of College Street and works to Cressy Road.

7. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2004
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 Section 5A of the Environmental Planning and Assessment Act 1979

Section - 5A Threatened species, populations or ecological communities, or habitats

The development involves the removal of 2 x Sydney Blue Gums as part of redeveloping the site. Sydney Blue Gums are a characteristic species of Blue Gum High Forest (BGHF) which is listed as a Critically Endangered Ecological

Community under the *NSW Threatened Species Act, 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act, 1999*.

The applicant has provided an Arborist Report and a Flora and Fauna Assessment Report to undertake an assessment of the significance of the trees in accordance with Section 5A of the EP&A Act, 1979. The Flora and Fauna Assessment submitted by the applicant concluded as follows:

“ *Two Sydney Blue Gums Eucalyptus saligna were observed on the site. Given both the age and size of the trees and the history of clearing on the site, they are highly unlikely to be remnants of the Critically Endangered Ecological Community Sydney Turpentine Ironbark Forest (TSC Act). There will be no significant effect under the EP&A Act (1979) from this proposal.*”

Council's Consultant Landscape Architect supports the findings of the Flora and Fauna Assessment noting that:

“ *Given these trees have been assessed as being planted species and not forming part of any remnant bushland on site of Endangered Ecological Community, it is considered that their removal can be supported in this instance. It is noted that additional replacement canopy tree plantings have been provided as part of the new landscaping scheme across the site. This includes species consistent with the Sydney Turpentine Ironbark Forest ecological community which would have once existed on the site.* ”

In addition, the Flora and Fauna Assessment prepared by Abel Ecology did not identify any threatened or endangered fauna species on site however it noted:

“ *Threatened fauna, in particular insectivorous bats and the Grey-headed Flying-fox, are known within the area and may occasionally forage on the site and fly across the site.*”

As such a 7 Part test was undertaken to determine the likely impact of the proposed development on local fauna. The 7 Part Test concluded the following:

“ *The proposed activity is unlikely to have a significant effect on Eastern Bentwing-bat, Eastern False Pipistrelle, Grey-headed Flying-fox, Little Bentwing-bat, or Yellow-bellied Sheath-tail-bat. Therefore a Species Impact Statement is not recommended.*”

Council's Consultant Landscape Architect supports the findings of the applicants report noting that the proposed tree removal is acceptable from an ecological perspective.

8.2 State Environmental Planning Policy (State and Regional Development) 2011

This proposal has a Capital Investment Value of more than \$20 million, and consequently the Sydney East Joint Regional Planning Panel is the consent authority for this application.

8.3 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The applicant has submitted an Environmental Site Assessment, conducted in September 2010, which has included invasive investigation as to the conditions of the soils (30 boreholes) at the site. The report considered the suitability of the site for redevelopment for commercial development and made various recommendations including the preparation of a Remediation Action Plan.

The scope of the Environmental Site Investigation was widened to investigate potential for use of the site as a child care facility. An amended Environmental Site Investigation was provided which changed the land use criteria from 'Commercial/Industrial' to Residential with accessible soil- including child care'.

The Report contains various recommendations such as the preparation of a remediation action plan and the preparation of a validation report. The report also recommended that during demolition and excavation works, the site should be inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. Suitable consent conditions are imposed in this regard (see condition 30 & 38 to 42).

Accordingly, subject to the imposition of conditions requiring a remediation action plan and validation reports relating to each stage of the proposed development, there would appear to be minimal risk of contamination and the site is considered suitable for the proposed development to a standard that this is suitable for *residential with access to soil including child care*.

8.4 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 defines a ‘business identification sign’ as follows:

business identification sign means a sign:

- (a) *that indicates:*
 - (i) *the name of the person, and*
 - (ii) *the business carried on by the person, at the premises or place at which the sign is displayed, and*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

The aims and objectives of SEPP 64 are stated in Part 1 Clause 3(1) as follows:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity & 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.

The development proposes a number of business identification signs including 2 x free standing pylon signs and various wall painted signs associated with the Bunnings Warehouse building. The proposal also contains provision for signage associated with the bulky goods premises.

Some signage will be illuminated with directional LED lights. The free standing pylon signs are proposed at the intersection of Victoria Road and Frank Street and adjacent to the intersection works relating to the main entry from Victoria Road.

The wall signs proposed on the Bunnings Warehouse building include the following painted wall signs:

- East façade – “*Bunnings Warehouse*” text with dimensions of 7.9m x 2.5m
- East façade – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 7.2m;
- North façade – “*Bunnings Warehouse*” text x two (2) signs with dimensions of 11.8m x 3.75m (Level 1 wall) 7.907m x 5.5m (Level 2 wall);
- North façade – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 11.8m x 3.75m;
- South – “*Bunnings Warehouse*” text with dimensions of 18.192m x 10.5m;
- South – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m;
- West – “*Bunnings Warehouse*” text with dimensions of 18.192m x 5.75m; and
- West – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m.

SEPP 64 Part 2 Clause 8 requires that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of this Policy and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1. The following table contains the relevant assessment criteria in Schedule 1.

Schedule 1 Clause	Control	Proposal
1. 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?	<p>The character of signage in the vicinity of the site includes a mixture of signage associated with various light industrial uses. The signage proposed comprises corporate logos and slogans that are synonymous with the Bunnings brand.</p> <p>At 12m in height and 4.8m in width, the proposed pylon signs measure 57.6m². As such, the pylon signs significantly exceed Council's DCP controls of 6m maximum height and 12m². The signs are not considered to be compatible with the existing or desired character of the area and will adversely impact the visual amenity of the streetscape. Although there are various free standing pylon signs in the locality including signs relating to Kennard's Storage Hire and Ryde Aquatic & Leisure Centre, these are significantly smaller than the height and area of the proposed pylon signs. Accordingly, it is recommended that condition 2 be imposed restricting the size of the signs to comply with the above DCP provisions.</p> <p>Subject to the above condition being imposed, the proposed signage is considered acceptable with regard to the character of light industrial activities and the surrounding employment area – Complies.</p>
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>There is no particular theme of signage that relates to the site or the area and the proposal (subject to condition 2) is not discordant with signage reasonably expected in an employment area – Complies.</p>

2. 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?	The proposal is not located in an environmentally sensitive area. The site adjoins a residential area, however, significant landscaped buffers separate the site from the adjoining residential properties – Complies.
3. Views and Vistas	Does the proposal obscure or compromise important views?	No important views are compromised – Complies.
	Does the proposal dominate the skyline and reduce the quality of vistas?	No, given the scale of the proposal – Complies.
	Does the proposal respect the viewing rights of other advertisers?	No obscuring of views of adjoining advertisers – Complies.
4. Streetscape setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Subject to condition 2, the scale of the advertisement is compatible with the scale of the proposed building which is considered to be acceptable – Complies.
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal incorporates the iconic Bunnings branding and is not unacceptable in the circumstances of the setting of the site – Complies.
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal introduces new signage to the site in a manner that is reasonable to the scale of the building – Complies.
	Does the proposal screen unsightliness?	NA
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
	Does the proposal require ongoing vegetation management?	No
5. 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?	Yes, the proposal is appropriate to the scale of the proposed building (subject to condition 2) – Complies.
	Does the proposal respect important features of the site or building, or both?	There are no significant or important features of the building or site – Complies.
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is suitable to the proposed building at the site (subject to condition 2) – Complies.

6. 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?	NA
7. Illumination	Would illumination result in unacceptable glare?	The illuminated signage will not result in light spill from the site and is to be switched off outside of operating hours (see condition 132 – Complies.
	Would illumination detract from the amenity of any residence or other form of accommodation?	No, the site adjoins one residential property and a landscaped buffer and the setback of 27.4m will ensure that light spill does not impact on the amenity of the adjacent residential properties – Complies.
	Can the intensity of the illumination be adjusted, if necessary?	A consent condition is imposed in this respect (see condition 133) – Complies.
	Is the illumination subject to a curfew?	Yes, the lights will be turned off outside of operating hours (see condition 132) – Complies.
8. Safety	Would illumination affect safety for pedestrians, vehicles or aircraft?	No safety impacts as a result of the illumination – Complies.
	Would the proposal reduce the safety for any public road?	No, the signage is located within the property boundary – Complies.
	Would the proposal reduce the safety for pedestrians or bicyclists?	No, the signage is located within the property boundary – Complies.
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the signage is located within the property boundary – Complies.

As such, subject to condition 2 being imposed to reduce the size and height of the pylon signs, the proposed signage satisfies the assessment criteria of Schedule 1 of SEPP No. 64, it is considered to be consistent with the objectives of the Policy.

8.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

8.6 State Environmental Planning Policy (Infrastructure) 2004

Clause 101 of the SEPP applies to the proposal as it has a frontage to Victoria Road which is an RMS classified Road. Clause 101 of the SEPP states as follows:

- “ (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”

The existing vehicular entrance has been approved at the site under LDA2012/0412. The approved works provide a fourth road to the signalised intersection at Victoria Road and Tennyson Road as well as access works. These works have been included in the subject application to ensure that they form part of the complete application for the site.

Concurrence was granted by the RMS as part of the original application on 19 December 2012 and whilst the internal access arrangements to the site have changed, the access to the site from the intersection remains consistent with the approved arrangements.

Clause 102 of the SEPP does not apply to the site due to the proposed use being for bulky goods, hardware and building supplies and a child care centre.

Clause 104 of the SEPP refers to traffic generating development and certain proposals trigger the requirements for referral to the RMS. The proposal triggers this requirement due to the access point at Victoria Road and the floor area for the commercial development exceeding 2,500m².

Concurrence was sought from the Roads and Maritime Service and was subsequently granted on 2 July 2015 subject to conditions which form part of this consent (see conditions 10, 11 & 75 to 77).

8.7 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014. It is noted that at the time this application was lodged, Ryde LEP 2014 (Amendment 5) was in draft form. However, Amendment 5 of the LEP came into effect on 21 August 2015 and no savings provisions were in place to save the amended version of the LEP from applying to the application immediately. As such, the provisions of the Ryde LEP 2014 as amended by Amendment 5 are considered below.

Clause 2.3 Zone Objectives and Land Use Table

The subject site is identified in the 'B5 – Business Development' zone except for the small portion of No. 459 Victoria Road which is located within the 'IN2 – Light Industrial' zone.

The main portion of the site, being 461-495 Victoria Road, is located in the B5 Zone within which the following land uses are permitted with consent from Council:

“ Bulky goods premises; Business identification signs; Child care centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Passenger transport facilities; Respite day care centres; Roads; Warehouse or distribution centres; Any other development not specified in item 2 or 4”

The proposal is best described as incorporating the following land uses:

- *Hardware and Building Supplies* – Bunnings Warehouse;
- *Bulky Good Premises* – General use sought in relation to Stages 2 and 3;
- *Child Care Centre* - Although no details are provided and consent should be sought for the use of the premises as a child care centre, this is identified as permissible with consent from Council;
- *Business identification signs* – which includes the free standing signs and wall signs; and
- *Roads* – In relation to the construction and dedication of the land for road widening.

Each use is expressly permissible with consent in the 'B5 – Business Development' zone.

The works relating to No. 459 Victoria Road include the construction of road works and stratum subdivision. Roads are permissible with consent in the IN2 Zone.

Demolition of the existing buildings is permissible with consent from Council pursuant to Clause 2.7 and subdivision associated with the proposed stratum subdivision is permissible with consent pursuant to Clause 2.6 of the Ryde LEP 2014.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objective for the 'B5 – Business Development' zone is as follows:

- *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.*

The proposal provides a warehouse use and in principle uses for bulky goods and a child care centre which is entirely consistent with the objective of the zone.

In addition, the objectives of the IN2 Zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*

The proposed road widening to facilitate access to the subject site is consistent with the relevant objectives.

Clause 4.3 Height of Buildings

The height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The height of buildings maps identifies the maximum heights at the site in terms of applicable relative levels that range from RL63, RL52 and RL 42 Australian Height Datum, as detailed at **Figure 15** below.

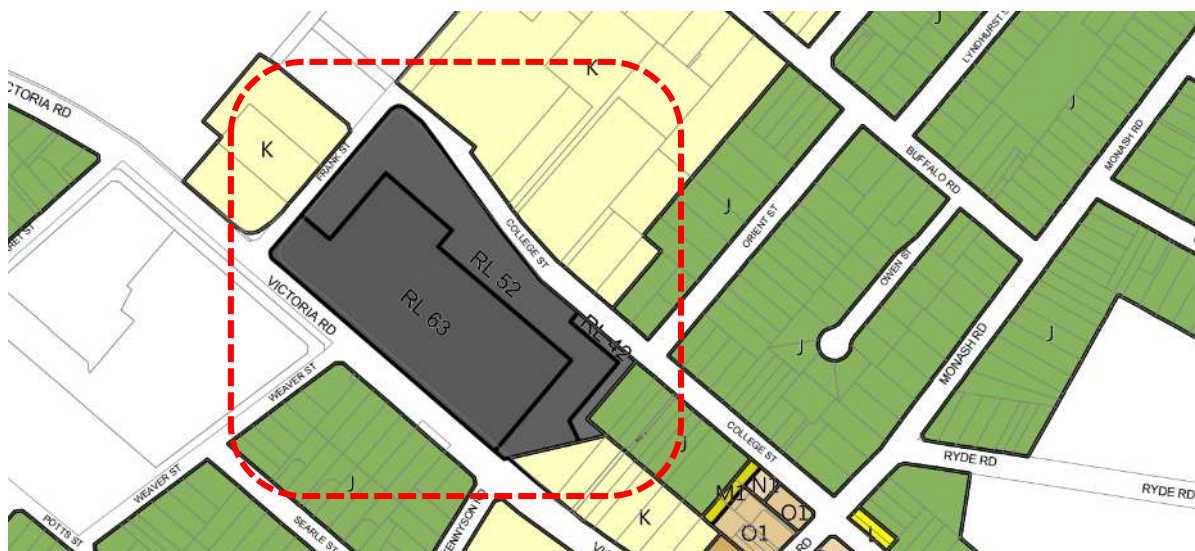


Figure 15: LEP Height of Buildings Map

The proposed building has been designed to generally comply with the maximum height limit at the site which was devised on the basis of a previous scheme which led to the LEP controls through the Planning Proposal process. However, the building seeks departures in relation to five (5) isolated portions. Each of the 5 non-compliant areas of the building are highlighted in yellow in **Figure 16** below.

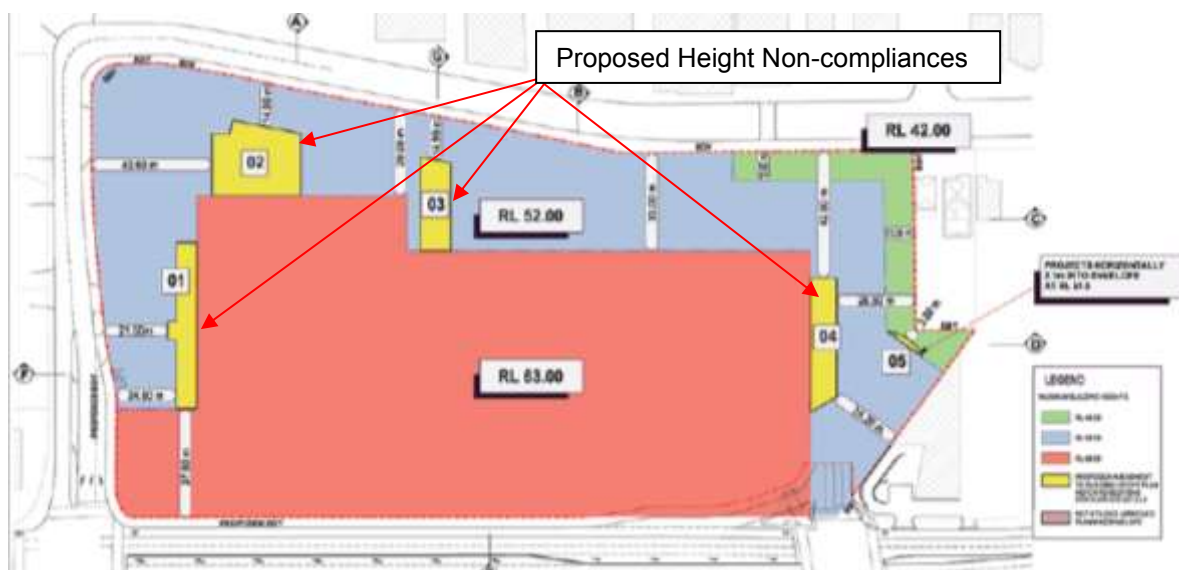


Figure 16: Extent of the building height non-compliance

The table below identifies the extent of the proposed breaches based on the locations 1 to 5 denoted in **Figure 16** above.

Location	LEP RL control	Proposed RL	Extent of breach
1	52	62.4 & 55	10.4m & 3m
2	52	58.25	6.25m
3	52	56.98	4.98m
4	52	58.9	6.9m
5	42	52	10m

Figures 17 to 20 below are sectional diagrams that illustrate the nature of the proposed breaches detailed above. It should also be noted that whilst the above variations are proposed, there are large sections of the building that do not occupy the full extent of the building envelope created by the various RLs. These are indicated in pink in the following sections:

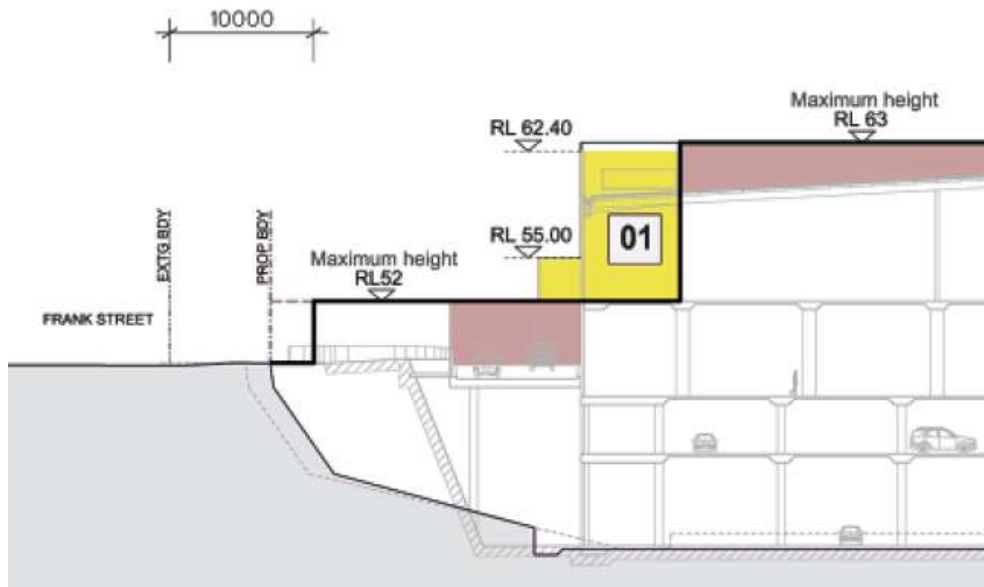


Figure 17: Building height non-compliance – Location 1

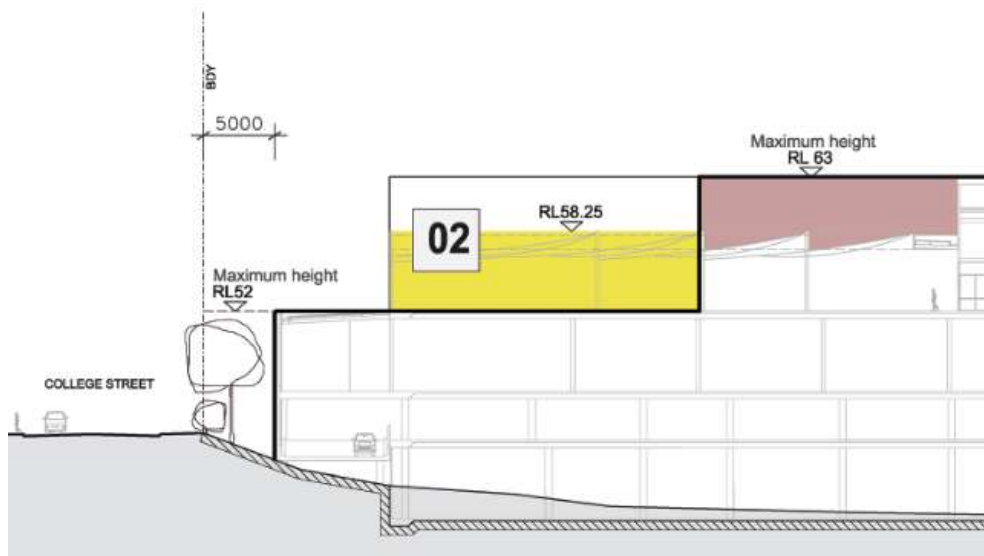


Figure 18: Building height non-compliance – Location 2

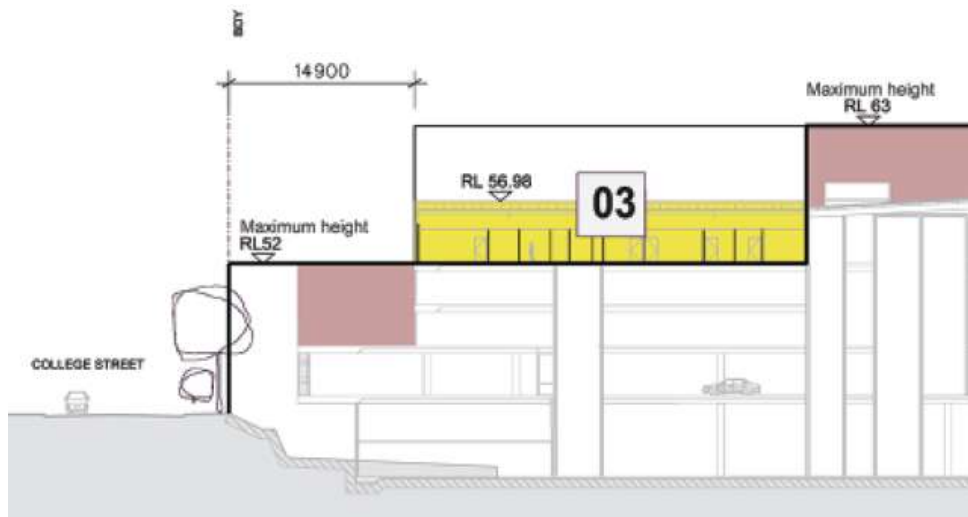


Figure 19: Building height non-compliance – Location 3

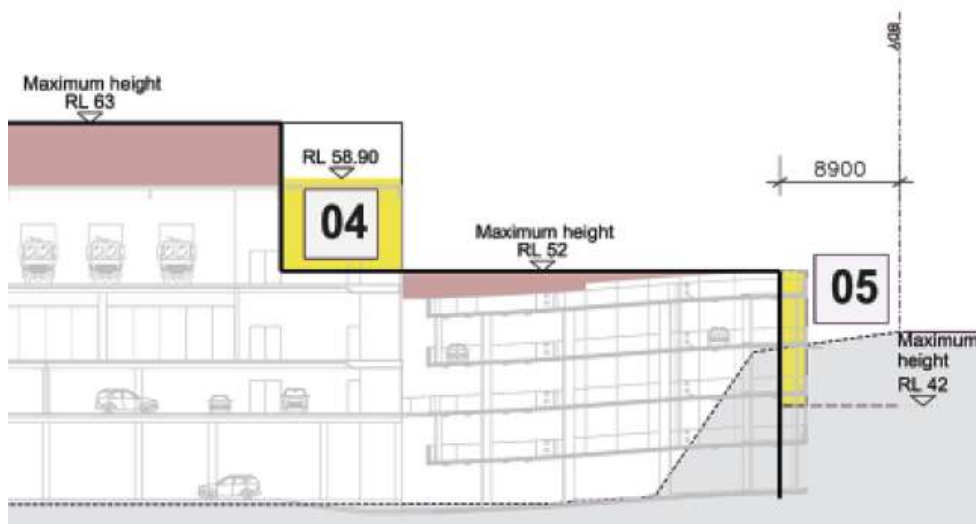


Figure 20: Building height non-compliance – Locations 4 & 5

Clause 4.6 to Ryde LEP 2014 is intended to provide an appropriate degree of flexibility in the application of certain development standards to achieve better outcomes for and from development. The variations and the environmental planning outcomes of those variations are examined below.

Subclause (3) to Clause 4.6 requires the consent authority to consider a written request from the applicant where that request seeks to justify the contravention of the standard by demonstrating:

- “ (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

The applicant identifies the non-compliant portions of the building and argues that the height limit established for the site was based on a previous scheme that was designed over three years ago. The applicant identifies each aspect of the building that departs from the height limit and attributes the non-compliance to design refinement that maintain the massing of the building at the site, consistent with the intent of the zone and the building height standard.

It is submitted by the applicant that the massing of the development as proposed results in a better urban design and functional outcome with no resultant adverse amenity impacts.

Applying the tests established by Chief Justice **Preston** in *Wehbe v Pittwater Council [2007] NSWLEC 827*, the applicant submits that strict compliance is unreasonable and unnecessary in that “the objectives of the standard are achieved notwithstanding noncompliance with the Standard”. The applicant submits that in light of satisfying the objectives of the control and the zone, there are sufficient grounds to justify contravening the development standard. Discussion of the proposed variation in the context of the objectives of the controls is outlined below.

Subclause (4) to Clause 4.6 requires the consent authority to be satisfied that:

- “
- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”*

The applicant has submitted a written request as required by subclause 4(i) as attached as Attachment 2 to this report.

In relation to consistency with objectives of the development standard, the objective of Clause 4.3 of Ryde LEP 2014 relating to the building height standard are stated as follows:

- (1) The objectives of this clause are as follows:*
 - (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development*
 - (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*

- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

With regard to the applicant's submission and objective (a) above, the only non-compliant portions of the building that impacts on the proportion of the building at the street frontages are areas 01, 02 and 03 that are visible from Frank Street and College Street. The intention of the height control is to step the building down the site towards College Street and in doing so provide a building that extends to RL 63 at the Victoria Road and Frank Street frontage and transition the building form to a height of RL 52 along Frank Street and College Street.

In relation to the Frank Street frontage (Area 01), the non-compliant portion maintains the building height where the building is subject to the RL 62 height control. This portion of the building is a design refinement resulting from modifications to the loading areas of the initial iteration of the design. The degree of the non-compliance at this point of the building is softened by virtue of it being an extension of the compliant portions of the building. As such, the non-compliance does not introduce any projecting elements or building features that are discordant with compliant portions of the building at the site. The building height of RL 63 was originally established because it was considered to reflect the prevailing character of development in the area and this partial non-compliance at the Frank Street frontage is in keeping with the compliant portions of the building and that of the contextual character.

In terms of Area 02, this part of the building is an open form canopy element that sits over the "bagged goods area" of the Bunnings building. Similar to the non-compliance at Area 01, this is an extension of the compliant portion of the building, however, this part of the building is a light weight element that provides the necessary function of sheltering the bagged goods. This portion of the building does not detract from the main parts of the development that comply with the height requirements and ultimately provides an appropriate proportion to the street.

In terms of Area 03, this relates to the office area of the Bunnings building which has been raised to accommodate the 2 storey child care centre shell underneath. This is a narrow component of the College Street elevation and is approx. 6m lower than the main warehouse building and will provide a stepped transition down to RL52. This part of the building is setback 14.9m from College Street and is not considered to represent an imposing or incongruous element in the streetscape.

In relation to objective (b) above and with regard to the applicant's submission, the only non-compliant portions of the development that contribute to additional overshadowing are Areas 04 and 05. In any event, the development has been considered with regard to the site specific DCP provision relating to overshadowing of the adjoining property whereby 4 hours of sunlight are to be retained to residential properties in the vicinity of the site. The proposal easily complies with this requirement and therefore despite the height non-compliance it is accepted that the proposal does not give rise to unacceptable shadow impacts that would affect the development's compatibility with the development in its vicinity.

Objective (c) is not relevant to the proposal as it relates to consolidation patterns that are provided with height increases.

Objective (d) seeks to minimise amenity impacts on adjoining development. It is accepted in the applicant's submission that the isolated portions of the site that depart from the maximum building height limit do not contribute to any form of significant or unreasonable amenity impact. The redevelopment of the site will result in significant change and the proposal is consistent with the proportions and scale of development reasonably expected.

In respect of objective (e), the height limit of RL 62 was provided to emphasise the significant Victoria Road frontage. The building is fully compliant at the Victoria Road frontage and the non-compliant portions of the proposal only serve to reinforce the intended scale along this significant street frontage.

In relation to consistency with zone objectives, the 'B4- Business Development' zone has the following objective:

- *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.*

The proposal is consistent with this objective despite the proposed height departure as the objective primarily relates to encouraging the uses proposed as part of this development.

In relation to Clause 4.6(3)(b) and the need to establish that there are sufficient environmental planning grounds to justify contravening the development standard, the applicant's submission has regard to *Four2five Pty Ltd v Ashfield Council [2015] NSWLEC 209*. The applicant states that the environmental planning grounds that are specific to the site include:

- A better design outcome can be achieved by containing the building height in some

locations, but extending the floor plate slightly in other locations resulting in variations to the RLs zones. This is particularly the case with Areas 4 and 5 in relation to the loading area and circular vehicular ramp;

- The redesign of the bulky goods loading dock will improve the acoustic performance of the building compared to the concepts that informed the Planning Proposal;
- The location of the variations retains the stepping and modulation of the built form. In particular Area 2 utilises light weight building materials changing the massing as the building steps down to College Street;
- The location of the variations to the building height controls does not give rise to adverse shadow impact to houses on the opposite side of Victoria Road or residential properties in College Street;
- The building is still capable of being in scale with the surrounding development. The environmental planning grounds for a variation to the building height development standard are justified as the proposed heights do not give rise to any adverse solar access, view loss, privacy, streetscape impacts and in doing so achieves consistency with the objectives of the development standard and zone objectives.

The applicant has put forward environmental planning grounds that relate to the improved building outcomes that have developed from the specific design refinements to the building that originally informed the height limits at the site. The height limits are prescriptive and if strictly applied may result in a form that is boxy and perhaps less transitional in form from Victoria Road to College Street than the proposal. Flexibility in this instance allows for preferred access and loading arrangements and design refinements that both improve the functionality of the building and fit within an overall urban form that is not readily distinguishable from a compliant scheme. The design refinements that have given rise to minor projections beyond the height limits contribute to functionality, high quality urban form and an improved development outcome over strict numerical compliance and in this respect the applicant has established that there are sufficient environmental planning grounds to justify contravening the development standard.

Accordingly, it is considered that the applicant has adequately addressed the provisions of Clause 4.6, particularly sub-clauses 3 and 4.

Subclause (5) to Clause 4.6 relates to concurrence granted by the Director-General. Separate concurrence is not required in this case.

Subclause (6) relates to subdivision on particular zones, of which this proposal does not relate to.

Subclause (7) requires Council to keep a record of assessments in accordance with Clause 4.6 after each application is determined. This application will be added to Council's records once it is determined.

Subclause (8) to Clause 4.6 clarifies that a consent cannot be granted for development which requires a variation to a development standard for complying development, a development standard required for BASIX compliance or controls under Clause 5.4, Clause 4.3, to the extent that it applies to the land identified as “Town Core” on the Ryde Town Centre Precincts Map, clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached) and clause 6.9.

Clause 4.4 Floor Space Ratio

Clause 4.4 of the LEP states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The map identifies the site as having a mix of FSR of 1:1. The proposal provides detailed floor area calculations of each development stage that demonstrate the development once completed will have a maximum gross floor area of 37,088m² which results in an FSR of 0.99:1. The proposal therefore complies with the FSR provision applying to the site.

Clause 4.6 Exception to Development Standards

Pursuant to Clause 4.6 of the LEP, development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. The subject application relies on a variation to the maximum building height requirements of the LEP and the required statutory tests have been applied to the proposed height variation.

In considering the variation request the relevant planning principles established in the following NSW Land and Environment Court cases have been used to guide the assessment:

- *Wehbe V Pittwater Council (2007) NSW LEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*

As discussed above in relation to Clause 4.3, the variation is considered to be acceptable.

Clause 5.9 Preservation of trees and vegetation

The application seeks consent for the removal of 113 trees from the site. The application is accompanied by an Arborist Report and Flora and Fauna Assessment Report. The tree removal and proposed landscaping has been considered and endorsed by Council’s Consultant Landscape Architect and as such the proposed development is satisfactory in terms of the provisions of Clause 5.9.

Clause 5.10 Heritage conservation

The site does not contain a heritage item and is not located in a heritage conservation area. The site however is located within the vicinity of some heritage items including Victoria Road which is identified as local heritage Item 54 in Schedule 5 of the Ryde LEP 2014.

Redevelopment of the site as proposed will not impact on the significances of Victoria Road, will not impact on the setting of Victoria Road or any other heritage listed buildings in the vicinity of the site.

Clause 6.2 Earthworks

The proposed development includes excavation and bulk earth works for the construction of each of the stages proposed and Clause 6.2 requires consideration of a number of factors that are detailed in the following table.

Clause 6.2 of RLEP 2014	
Requirement	Proposal/Compliance
a. the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The degree of excavation will not disrupt drainage patterns and soil stability following construction of the development as proposed - Complies
b. the effect of the development on the likely future use or redevelopment of the land,	The excavation will not impact on the future use of the land - Complies
c. the quality of the fill or the soil to be excavated, or both,	Any fill to be used at the site is to be virgin fill – Complies
d. the effect of the development on the existing and likely amenity of adjoining properties,	The excavated areas of the site will be built over and will not impact on the amenity of the adjoining properties – Complies
e. the source of any fill material and the destination of any excavated material,	Fill sourcing and disposal of material has been dealt with in the submitted Construction Management Plan – Complies.
f. the likelihood of disturbing relics,	The site was previously excavated as a quarry and as such there is a very low likelihood that there would be undisturbed relics at the site - Complies
g. the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	Subject to construction in accordance with the submitted construction management plan no impacts will result on water quality – Complies
h. any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	No impacts from excavation require mitigation – Complies.

Clause 6.4 Stormwater Management

Due to the excavated areas of the site it is subject to localised flooding. The civil works package includes measures to capture and discharge stormwater from the site. Council's Drainage Engineer and Senior Development Engineer are satisfied with the proposed stormwater arrangements subject to conditions (see conditions 52, 84, 85, 92, 111 to 113, 115, 124 and 131).

Clause 6.6 Environmental Sustainability

An energy efficiency report has been submitted with the application dealing with the usage of lighting, ventilation and water consumption. The proposal has been designed to comply with Section J of the National Construction Code and provides a 70KL rainwater tank to replace 90% of potable water usage for irrigation of the plant nursery toilet flushing and irrigation of site landscaping.

8.8 City of Ryde DCP 2014

The following sections of the DCP are of relevance to the proposal:


- Part 6.5 - Victoria Road Gladesville
- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.1 - Signage
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking

Part 6.5 of the DCP contains site specific provisions that apply to the subject site, being Nos. 461 – 495 Victoria Road, Gladesville. Provided in the following Table are the relevant provisions and assessment of the proposal's compliance with those provisions.

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
2.0 Design Quality	The proposal provides a degree of design quality that is consistent with the expectations of the DCP as the development has an appropriate presentation to each street frontage and integrates environmental sustainability with urban design. The development has an acceptable relationship to the adjoining residential properties and	Yes

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
	<p>provides a scale of development when viewed from each street frontage that is consistent with the anticipated form of development at the site.</p> <p>Light spill will be minimised to the adjoining residential properties through the use of dimmable illuminated signs, the setback to the residential boundary and the lighting curfew relating to the approved hours of operation.</p> <p>Site planning and a buffer zone to the adjoining residential properties will provide for an appropriate acoustic attenuation to the adjoining residential properties.</p>	
<p>2.1 Built Form Provide an active frontage to Victoria Road in the form of building entries, display windows and retail addressing the street.</p>	<p>The proposal does not provide an active frontage that is consistent with the idea of an active frontage within a local centre, however, the design of the proposal provides for pedestrian access from Victoria Road and incorporates a range of large retail windows that face Victoria Road that provide an engaging presentation to the high volume road. This is consistent with the degree of activation reasonably expected at the site which is identified within the B5 – Zone.</p>	Yes
<p>Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.</p>	<p>The building presents as a typical Bunnings branded building to the corner of Victoria Road and Frank Street. Articulation in the southern façade provides some degree of interest, a legible pedestrian access point and variation between the Bunnings building and the bulky goods building.</p>	Yes
<p>Provide Architectural articulation and modulation and design elements to minimise blank wall lengths and the bulk and scale of the building.</p>	<p>The building steps down the site to the north and incorporates light weight elements to assist with visual interest and the intended scale of development at the site. The building contains large blank walls which are consistent with a typical warehouse style building however, retention of trees and the stepping of the building at each street frontage provides appropriate articulation.</p>	Yes

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of the buildings.	The northern façade of each building, including the future child care centre will contain suitable shade devices.	Yes
Car parking, driveways, ramps, loading docks and associated vehicular entry/exit structures shall be incorporated into the building façade design and screened from view to improve aesthetic appearance.	Carpark entries and loading areas are suitably incorporated into the design of the building as they are clearly identifiable and well integrated.	Yes
Car park and vehicular ramp screening is to ensure that vehicular headlights do not shine into residential living spaces and residential outdoor open space.	Car ramps and entry points do not give rise to light spill from the site to the residential properties.	Yes
Noise attenuation, sound walls and screens designed to minimise the transmission of noise to residential properties in College Street and Orient Street shall be sympathetically integrated into the design of the building to improve aesthetic appearance and unify other facade elements.	The combination of the building setbacks and the limited openings to the south as well as the likely future use of the buildings for bulky goods retail will ensure that there are no unreasonable acoustic impacts on residents.	Yes
Plant and service areas shall be incorporated into the building façade or architecturally screened so that they are not visible from the public domain or neighbouring sites.	Plan and service areas are integrated into the building or are visually screened.	Yes
The building shall incorporate a variety and finishes which create visual interest and are durable.	Finishes proposed are suitable for the proposed development.	Yes
A design quality statement shall be submitted together with the DA that details to the	Documentation submitted with the application demonstrates compliance with the requirements of the DCP.	Yes

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
satisfaction of Council; i. How the design meets the Built Form requirements of this DCP ii. How the building relates to and enhances its context iii. Colour and materials selection		
2.2 Height Building height is to be in accordance with the LEP height limits.	The proposal exceeds the LEP height limits and provides justification pursuant to Clause 4.6 of the LEP as detailed in this Report.	Yes
2.3 Setbacks Building setbacks are to be in accordance with the building setback image which requires 	<p>Victoria Road The development complies with the 6m setback at the Victoria Road frontage with the exception to the entry feature which is permitted to project into the required setback.</p> <p>Southern Boundary At the southern boundary the circular driveway is setback between 2m (from the car wash façade) and 4m (from the residential property at 18 College Street). The required setback at this part of the site is between 6m and 10m.</p> <p>In this respect the development encroaches into the required setbacks at the irregular shaped portion of the site. The setback area provided is heavily planted and the relationship to the carwash café facing Victoria Road will be acceptable.</p> <p>In terms of the relationship between the proposal and the dwellings located at No. 18 College Street, the building as proposed provides an improved relationship compared with a building that strictly complies. This is due to the Stage 3 building being setback 27.4m from the residential boundary, being well in excess of the required setback, and the setback area will be occupied by a range of deep soil planting that will provide a suitable landscaped buffer.</p> <p>College Street At the College Street frontage, the proposal is required to be setback between 6m and 10m. The proposal is setback 5m at the northern</p>	<p>Yes</p> <p>Compliance on Merit</p> <p>Compliance</p>

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
	<p>portion and recesses to a setback of at least 11m. The setback proposed does not strictly comply with the applicable controls, however, the proposal complies with the intent of the setback which is to have a stepped building form with sufficient landscape screening in the form of the several trees to be retained at the College Street frontage.</p> <p>Frank Street At Frank Street, the development is setback between 28m and 20m and easily complies with the required 6m setback.</p>	<p>on Merit</p> <p>Yes</p>
<p>2.4 Site Landscaping Landscaping is to be designed to screen the building, (including car parking, loading docks, waste collection and ramp structures) in order to enhance the presentation and architectural quality of the development and to also provide for a landscape buffer for adjoining residential properties that will contribute to neighbours amenity</p> <p>Retain on site mature trees where appropriate and practicable, and incorporate additional large growing screen trees as key elements of a landscaping plan that seeks to reduce the visual presence of the buildings.</p> <p>Soft landscaping of an appropriate scale is to be provided along the Victoria Road frontage to reduce and soften the visual impact of the buildings, create interest in the streetscape whilst also facilitating active frontage and “Safer by Design” principles.</p> <p>Provide deep soil zone, water capture and recycling in the landscaped area in accordance</p>	<p>Landscaping is proposed within the southern boundary setback to screen the buildings and access ramps from the adjoining residential properties. The landscaping proposed is appropriate to provide a suitable buffer to the residential properties.</p> <p>Some existing trees are to be retained adjacent to College Street and a range of trees, shrubs and ground covers are proposed in the boundary setbacks to each street frontage to soften the appearance of the buildings.</p> <p>Landscaping is proposed within the setback to Victoria Road and includes a range of trees, shrubs and ground covers. Council's Consultant Landscape Architect has endorsed the proposed landscape plan.</p> <p>The development contains deep soil areas within each boundary setback and capacity to Capture 70KL of rainwater for reuse on site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
with City of Ryde Water Sensitive Urban Design Guidelines.		
2.5 Solar Access The development of the land shall not reduce solar access to the habitable rooms (excluding bath, laundry rooms and the like) and private open space areas of any nearby residential development in College and Orient Streets to less than 3 hours of sunlight between 9am and 3pm in midwinter.	Shadow impacts do not affect and properties in Orient Street as they are located to the north-east of the site. The shadow diagrams submitted with this application indicate that shadows cast between 9.00am and 3.00pm will not impact on any habitable rooms, laundry rooms and private open space areas of properties that front College Street.	Yes Yes
2.5 Visual Privacy Windows may not directly face into nearby residential properties. Apply screens or other façade treatments to parking areas, access, loading docks, storage and waste collection areas, and the like to minimise viewing into and from adjoining residential properties and the public domain	No windows are proposed in the southern façade that will directly look into the adjoining residential properties. Screens are provided to the southern façade of the parking areas that extend above ground level.	Yes Yes
2.6 Acoustic Privacy Provide appropriate acoustic attenuation between the site and neighbouring properties The use of premises and any plant, equipment and building services associated with a premises must not: i. Create an offensive noise as defined by the Protection of the Environment Operations Act and ii. Add significantly to the background noise experienced in the locality. Council may require a statement of compliance.	The design of the development including setbacks, screening and location of plant ensures that acoustic impacts are minimised. The submitted Acoustic Report demonstrates that the proposal achieves the noise criteria for sleep disturbance and the site specific noise criteria in accordance with the EPA's Noise Guide for Local Government. Council's Environmental Health Officer agrees with the findings of the Acoustic Report.	Yes
3.1 Access and Public Domain Where a development proposal includes new floor space that	The applicant provided specific responses to this control without specifically providing a	Subject to Condition

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
<p>exceeds 2000 sqm; a pedestrian and road safety audit and management plan must be prepared and submitted with the Development Application</p> <p>A public domain plan must be prepared by a suitably qualified landscape architect/designer and submitted with the Development Application to the satisfaction of the Local Road Authority.</p>	<p>Pedestrian and Road Safety Audit Management Plan. Such a plan will be required by condition prior to occupation of Stage 1 of the development (see conditions 45 & 106).</p> <p>Council's Consultant Landscape Architect supports the public domain works proposed as part of this application including works to the Frank Street frontage and remedial works to the College Street frontage. A condition of consent will be imposed requiring the preparation of a detailed public domain plan prior to the issue of a construction certificate in relation to Stage 1 (see condition 47).</p>	Subject to Condition
<p>3.2 Public Domain Provide landscaped nature strips as part of the public domain. These may include trees and ground covers or grass verge as appropriate.</p> <p>New street trees are to be provided along the Victoria Road frontage</p>	<p>A public domain plan is recommended to be required as part of conditions of this consent (see condition 47).</p> <p>A condition of consent will be imposed requiring the planting of trees at the Victoria Road frontage to satisfy this control (see condition 47).</p>	<p>Subject to Condition</p> <p>Subject to Condition</p>
<p>3.3 Urban Elements and Finishes</p> <p>Various requirements</p>	<p>Conditions of consent will be imposed in relation to the site specific urban element requirements and finishes (see conditions 47 & 48).</p>	Subject to Condition
<p>3.4 Signage Signage is to designed to comply with the provisions contained in Part 9.1 Signage of this DCP</p> <p>Signage may not dominate the Victoria Road façade of the development.</p>	<p>The signage is demonstrated to generally comply with the requirements of Part 9.1 of the DCP.</p> <p>Signage is a significant part of the appearance of the building, however, is appropriate in the context of the building.</p>	<p>Yes</p> <p>Yes</p>
<p>4.1 Traffic Management Prior to the issue of a Construction Certificate for new works on the subject site, the closure of College Street (in both directions) at</p>	<p>To be required by conditions 4 and 5.</p>	Subject to Condition

Part 6.5 of Ryde DCP – Victoria Road Gladesville		
Control	Proposal	Compliance
<p>approximately the boundary between the R2 Low density residential zone and the IN2 Light Industrial zone is to be implemented by the developer at no cost to Council and to the satisfaction of the Local Road Authority.</p> <p>The proponent shall provide a quarterly traffic management report to the Local Road Authority for the first 12 months of site operations to document any traffic and parking issues arising that have affected the external road system and how they have been or are proposed to be mitigated.</p>	To be required by condition 130.	Subject to Condition
<p>4.2 Vehicular Access</p> <p>No vehicular entries or exits to the site are to be located on College Street.</p> <p>A new vehicular entry/exit is to be provided on Victoria Road at the signalised intersection at Tennyson Road. This access is to be implemented at stage 1 of the on site development.</p> <p>Vehicular entries and exits are to be provided on Frank Street and implemented at stage 1 of the development.</p> <p>Ensure vehicular entries, vehicular circulation and loading docks are designed in accordance with Australian Standards AS 2890.1, 2, 3, 5, and 6 Parking Facilities.</p> <p>All kerbs, driveway crossings, carriageway median strips and the like shall be generally in accordance with the relevant sections of Schedule 1: Public Domain Technical Details attached to this DCP Part.</p>	<p>Vehicular entrances and exits at College Street are temporary and will be closed as part of the Stage 3 works (see condition 105). The proposal incorporates this access point.</p> <p>Entrances and exits form part of the Stage 1 works.</p> <p>The submitted Traffic and Parking Assessments demonstrate compliance and Council Engineering officers are in agreement with the report recommendations.</p> <p>To be required by condition 48.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Subject to Condition</p>

<p>4.3 Car Parking</p> <p>Provide a parking optimisation and implementation plan for Frank Street and College Street to counteract any loss of parking due to the Bunnings development Implementation of the parking optimisation plan:</p> <ul style="list-style-type: none"> i. is to occur prior to the commencement of on-site operations and the issue of any occupation certificate (whether interim or final) ii. be at no cost to Council and to the satisfaction of the Local Road Authority <p>b. Ensure car parking areas and ramps are designed in accordance with Australian Standards AS 2890.1, 2, 3, 5, and 6 Parking Facilities.</p> <p>c. Off street car parking is to be provided in accordance with Ryde DCP Part 9.3 and must provide adequate parking for employees and patrons.</p> <p>d. Where possible, parking, loading docks ramps and driveways shall be located underground or under cover and within the building envelope. As a minimum, a high quality architectural screen is required so that these facilities are not visible from the public domain and so that acoustic intrusion and headlights from vehicle movements is minimised for residential properties in College Street and Orient Street.</p> <p>e. Parking is to be accessible to all stages and components of the eventual development. All vehicular site entries and exits are to access all vehicular parking areas.</p>	<p>To be required by condition 107.</p> <p>As submitted by applicant and verified by Council staff.</p> <p>The proposal provides parking to meet the requirements of the DCP as detailed in the submitted Traffic Report.</p> <p>Parking areas are located within the building footprint and loading areas are located as appropriate to the topography of the site. Screening is employed and the loading areas are enclosed where necessary to ensure that the loading areas are not readily visible from the public domain.</p> <p>Parking has been rationalised on the site to allow for the staged operation of the development. The programming of works allows for a temporary access point from College Street and separation of parking between the existing buildings and the</p>	<p>Subject to Condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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f. Parking within the development is to be designed so as to minimise impacts on the road network such as queuing in Frank Street and Victoria Road.	operational Bunnings building. The staging and arrangement of parking has been considered and accepted by Council's Traffic Engineer. Access points and parking arrangements will not give rise to queueing.	Yes
<p>5.2 Stormwater Management</p> <p>a. Stormwater management system is to be designed and provided in accordance with the requirements of the:</p> <p>i. City of Ryde DCP 2014 - Part 8.2 Stormwater and Floodplain Management and supporting documents</p> <p>ii. City of Ryde Water Sensitive Urban Design Guidelines (WSUD)</p> <p>iii. Stormwater and Floodplain Management Technical Manual</p> <p>b. A detailed site specific flood study report and stormwater drainage plan are required to be submitted with the Development Application, demonstrating compliance with the requirements of DCP Part 8.2 Stormwater Management. The study should consider the downstream draining system in the analysis. In addition, a design solution is required to ensure the downstream properties will not be subject to increased risk of flooding after the development. If required the downstream stormwater pipe system shall be amplified to the current standard.</p>	<p>Stormwater Design has been submitted with the application. Subject to conditions, Council's Senior Development Engineer supports the proposed design (see conditions 52, 84, 85, 92, 111, 112, 113, 115, 124 and 131).</p> <p>.</p> <p>A Flood Study has been submitted with the application detailing the suitability of the floor levels and the structural soundness of the development in light of the low risk "local drainage" flood category that affects the site. The flood report has been reviewed by Council's Drainage Engineer and no objections are raised subject to conditions (see conditions 84 and 99).</p> <p>.</p>	<p>Yes</p> <p>Subject to Conditions.</p>

With regard to Parts 7.1 to 9.2, noting the advice received from the various technical officers within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters.

Part 9.1 of the DCP relates to signage. The following business identification signs are proposed in association with Bunnings:

Painted Wall signs:

- South-eastern elevation – “*Bunnings Warehouse*” text with dimensions of 7.9m x 2.5m
- South-eastern elevation – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 7.2m;

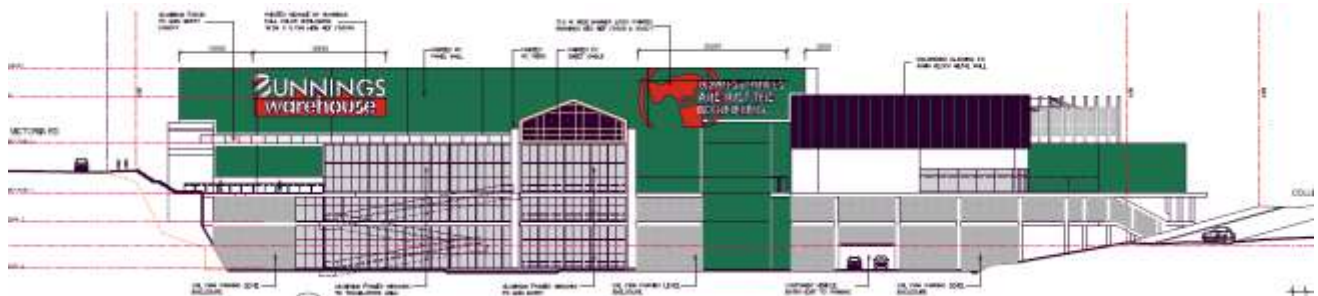


Figure 21: South-Eastern Elevation (viewed from neighbours) indicating Bunnings Wall Signage

- Western Elevation – “*Bunnings Warehouse*” text with dimensions of 18.192m x 5.75m; and
- Western Elevation – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m.

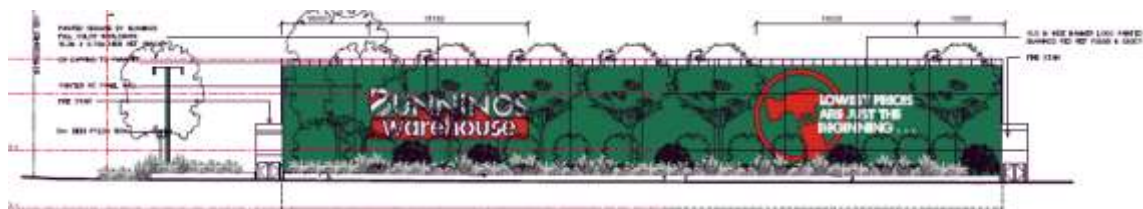


Figure 22: Western Elevation viewed from Victoria Road indicating Bunnings Wall Signage

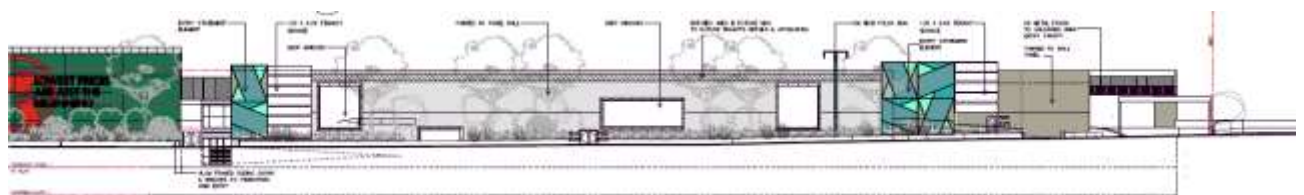


Figure 23: Homemaker Centre façade with signage banding along the top of this elevation

- Northern Elevation – “*Bunnings Warehouse*” text with dimensions of 18.192m x 10.5m;
- Northern Elevation – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m;

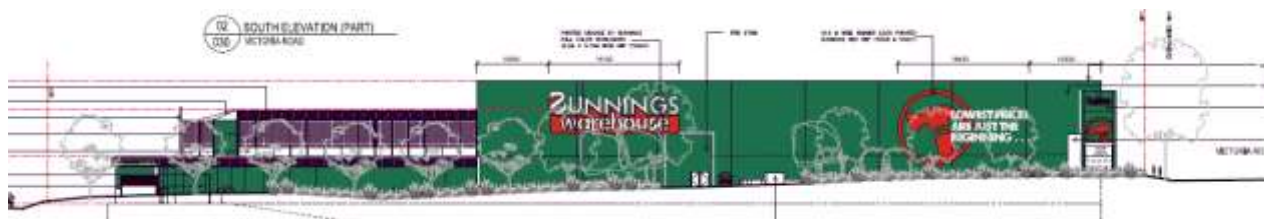


Figure 21: Northern Elevation (Frank Street) indicating Bunnings Wall Signage

- Eastern Elevation – “*Bunnings Warehouse*” text x two (2) signs with dimensions of 11.8m x 3.75m (Level 1 wall) 7.907m x 5.5m (Level 2 wall);
- Eastern Elevation – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 11.8m x 3.75m



Figure 22: Eastern Elevation (College Street) indicating Bunnings Wall Signage



Figure 23: Eastern Elevation including Homemaker Centre

Pylon Signs

The proposal includes the construction of 2 pylon signs located along the Victoria Road frontage, approximately 180m apart. One will be located at intersection of Frank Street and Victoria Road and the other will be located towards the main entry from Victoria Road and Tennyson Road. Each pylon sign is proposed to be 12m high by 4.8m in width (57.6m²).

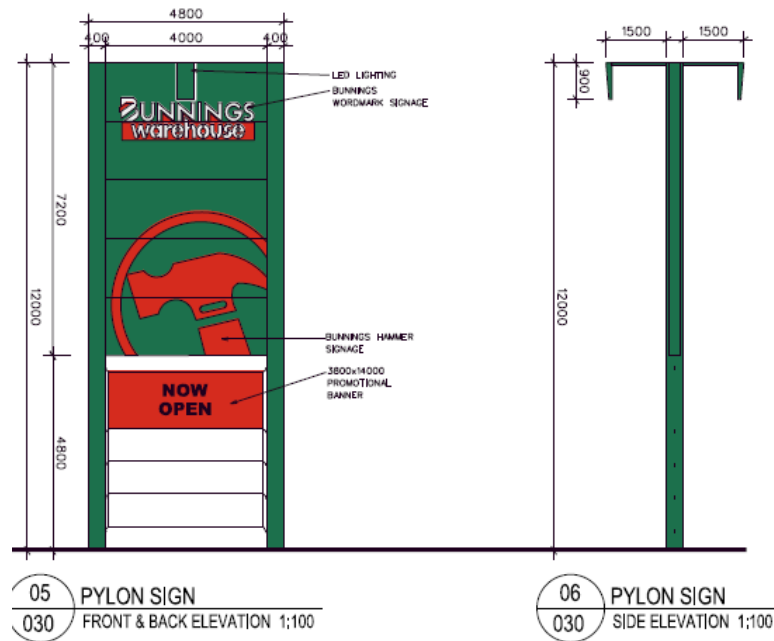


Figure 24: Proposed Bunnings Pylon Signage

The western elevation of the bulky goods retail premises will contain areas for future signage in the form of a 1.3m high band that extends along the full façade length. There are also two areas that will include tenancy signage as outlined in Figure 24 below.

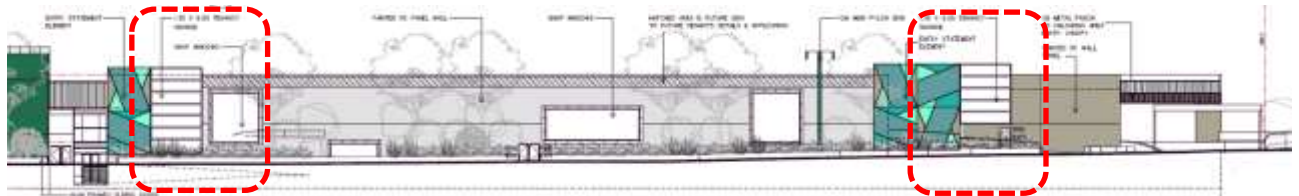


Figure 25: Proposed Signage areas for the home maker centre

The acceptability of the signage at the site has been considered previously in this report in relation to the requirements of SEPP No. 64. The applicant has provided an assessment of the signage with regard to the relevant provisions of Part 9.1 of the DCP. In relation to the relevant provisions of the DCP, the signage performs as follows:

- **Clause 2.1 – Signage Content:** The proposed signs are business identification signs which are permissible with consent under Ryde LEP 2014. The signs include the name of the business and the logos and where additional wording is proposed this is considered to be incidental to the corporate logo;
- **Clause 2.2 – Language** - All signs are in English which is consistent with the control;

- **Clause 2.3 - Number of Signs** – This control seeks to reduce visual clutter as a result of the signage. The signs are large and occupy a significant portion of the façade of each building, however, there are between 2 and 3 signs per façade on the Bunnings building. This type of signage is consistent with the corporate branding of Bunnings and is suitable at the site and within the 'B5 - Business Development' zone.

In addition, the Homemaker Centre signage is grouped at each end of the Victoria Road facades with a narrow band at the top of the façade to accommodate tenancy signage. The dedicated areas for future signage is suitable to the design of the building and will provide suitable and effective opportunities for business identification signage.

- **Clause 2.4 - Design, safety maintenance** - The walls signs are sized appropriately having regard to the size of the walls that they will be located on at the Bunnings Building. The wall signs propose a suitable colour palette and convey a simple message of the business and associated logos, consistent with the intent of the DCP.

In terms of the bulky goods retailing component, the signage locations have been selected having regard to the design and proportions of each elevation. Details of the future signage are not known, as that will depend on future tenants. The nomination of signage areas including a band at parapet level and two panels (one at each end of the building) ensures a coordinated approach for the building such that the signs do not appear as being tacked onto the building. The signage may change as is necessary, however, it will be confined to the nominated areas.

- **Clause 2.5 – Illuminated Signs** - The proposed signs will be illuminated with targeted LED spot lights on to the walls of the building, or backlit panels. This approach will avoid light spill to neighbouring properties. Conditions of consent are recommended enabling the signage to be dimmable and that the lights are switched off outside of the operating hours for the Bunnings warehouse building.
- **2.6 – New Buildings and Multi-Tenant Buildings** - The signage locations, sizes and design has taken account of the proposed buildings and integrated into the design (as discussed above).
- **Clause 2.7 - Corporate Branding** - The proposed signs are defined as business identification signs and include some corporate branding. The controls require one such corporate branding sign per elevation and a maximum area of 0.6m². The signage proposed is suitable to the proportions of the building and as detailed above are acceptable with regard to the principles of SEPP No. 64.
- **Clause 2.8 – Other Prohibited Signs** - The proposed signage does not fall into any of the prohibited signage categories listed in this clause of the DCP

- **Clause 3.2 - Business zones** - The site is zoned B5 – Business Development and the DCP controls for the Business zones are of relevance to the proposal.
- **Clause 3.2.2 – Extent of Signage Permitted** - The DCP allows:
 - 1.5m² of signage per 1m of frontage of the property to the street; and
 - A signage area of 15% of the side and rear elevations.

In relation to each street frontage and elevation, the proposal performs as follows:

Street frontage	Frontage	Elevation	DCP Permitted Area	Proposed
Victoria Road (s)	240m	n/a	360m ²	Bunnings - 384.5m ² Bulky Goods - 213.5m ²
College Street (n)	270m	n/a	405m ²	Bunnings - 87.74m ²
Frank Street (w)	140m	n/a	210m ²	Bunnings - 298m ²
East Elevation (Stage 1) <small>Note 1</small>	n/a	1000m ²	150m ²	Bunnings – 152m ²

Note 1: The area of the elevation is confined to the Bunnings wall from parapet height and extending down to (RL 51). The full height of the elevation including area below Victoria Road level has not been included.

The proposal therefore results in a departure from the numerical requirements relating to the extent of business advertising signage in relation the Victoria Road frontage (238m² exceedance), Frank Street frontage (88m²) and the south-eastern elevation (2m²). Notably, the proposal provides 317m² less than the maximum allowance on the College Street frontage. Despite the proposed non-compliance, the applicant has provided the following justification which is considered to be acceptable;

- *The character of the area is predominantly commercial or industrial character in nature in the immediate vicinity and the proposed signage is appropriate in that context*
- *The signage is not considered to intrude into or detrimentally affect the visual amenity of the area. The proposed signage for Bunnings Warehouse component has been used extensively throughout Sydney (and Australia).*
- *The size of the signs is appropriate for and compatible with the areas of each elevation, building design and building proportions.*
- *The number of signs is limited to 2 signs per elevation for Bunnings. With the Bulky Goods retailing component, the signage area is consolidated into panels/signage zones. This coordinated approach reduces signage proliferation and clutter*
- *The signs will not disrupt vehicular traffic (and will not interfere with pedestrians) as the nature of the signage is static and not a form of signage with which motorist would be unfamiliar.*

Furthermore, the proposed signage scheme is supported for the following reasons:

- The restrictions applicable to signs under Clause 3.2.2 of Part 9.1 of the DCP2014 is more suited to the forms of development anticipated in business zones including rows of shops where signage should reasonably be restricted to one sign per façade. The proposal has a frontage to a high volume road and involves a significant development that incorporates appropriate signage that is applied to a majority of Bunnings sites across Sydney. The proposed signage is spread over the four facades and does not result in any significant visual clutter given that the length of the building at each façade.
- The signs are designed as an integral part of the façade design and blend with the choice of material and colour scheme;

Pylon Signs

The proposed development incorporates 2 pylon signs that will be located at the intersection of Frank Street and Victoria Road and the other towards the intersection of Victoria Street and Tennyson Road. The pylon signs are proposed to be 12m in height and 4.8m in width (57.6m²). The signs will have a fixed design element and a variable area for advertising various promotions.

The DCP requires that pylon signs are a maximum of 6m in height, have an area of no more than 12m² and are limited to one sign per site. The proposed pylon signs therefore significantly exceed the height and area requirements.

With regard to the number of pylon signs, 2 is considered reasonable in the circumstances despite the restriction within the DCP to a maximum of 1 sign per site. Specifically, the development site has a significant frontage to Victoria Road with the signs located approximately 180m apart. In other circumstances, such a distance could reasonably account for at least 3 separate properties within the B5 zone. As such, the number of signs to the proportion of the street frontage is acceptable subject to the size of the signs complying with the DCP requirements.

As noted above however, the size and scale of the signs proposed is significantly larger than what is contemplated by the DCP and what is considered reasonable. Although some pylon signs higher than 6m do exist at other sites in the locality i.e. Kennard's on the north-western corner of the Frank Street and Victoria Road intersection and at the Ryde Aquatic & Leisure Centre on the south-western side of Victoria Road, the signs do not exceed 2m in width and were considered acceptable with regard to the particular circumstances of those sites/locations. The proposed signs will sit separately to the proposed building and are located along a large frontage that will be embellished with additional trees. The signs will

be highly visible in the streetscape and there are no compelling reasons to suggest that the scale of the proposed pylon signs are appropriate to the context of the area.

Condition 2 is therefore recommended requiring that the pylon signs be redesigned to comply with the 6m maximum height and 12m² maximum area requirements of the DCP.

The illumination of the signs are supported subject to the lights being capable of being dimmed and complying with the curfew requirements that relate to the operation hours of the Bunnings Warehouse building.

Part 9.3 of the DCP relates to car parking. The proposed parking arrangement will be staged according to the buildings to be retained and the parking to be provided with each stage. Parking generated and provided by Stage 1 is as follows:

<u>Stage 1</u>			
Bunnings		Existing Buildings Retained	
Warehouse	13,477m ²	E Warehouse	3,065m ²
Trade area	3,038m ²	F Warehouse	2,980m ²
Bagged Goods	1,585m ²	G Warehouse	2,360m ²
Total	18,100m²	Total	8,405m²
Child Care Centre	940 m ² (50 children and 8 staff)		

As part of Stage 1 there will be 661 parking spaces provided at the site and 540 of those spaces will be allocated to the Bunnings building.

Stage 2 will contain the following floor areas:

<u>Stage 2</u>	
Bunnings	18,100m ² GFA
Child Care Centre	940m ² GFA
Bulky Goods	8,576m ² GFA (replacing Building E)
Building F	2,980m ² GFA
Building G	2,360m ² GFA

Parking provided as part of Stage 2 will include 760 spaces with 540 of those spaces being allocated to the Bunnings building.

The final stage will provide the following floor area:

Bunnings	18,100m ² GFA (19,160m ² retail area including O/D nursery area)
Bulky Goods	16,584m ² GFA
Child Care Centre	940m ² (50 Children / 8 Staff)

The development once completed will have 900 parking spaces with 540 spaces allocated to Bunnings and 360 spaces to service the bulky goods retail space and the child care centre.

In terms of compliance with the parking requirements of the DCP, Council does not contain parking requirements for Hardware/Building Supplies or Bulky Good Premise and the Traffic Report submitted with the application applies parking rates based on suitable comparative operations. The parking rate proposed for the Bunnings store is 1 space per 34m² whilst for the bulky goods premises, 1 space per 46m² is proposed. Council's Senior Development Engineer has provided the following comments in relation to parking:

The proposed development provides the following parking allocations as per the stages of construction, with notes following;

Stage 1

Element	GFA (m²)	Parking Allocation (Carspaces)	Parking Rate
<i>Bunnings Hardware</i>	<i>18,100m²</i>	<i>540</i>	<i>1 space per 34 m²</i>
<i>Childcare</i>	<i>50 children 8 staff</i>	<i>10</i>	
<i>Building E (Warehouse)</i>	<i>3,065 m²</i>	<i>111</i>	<i>1 space per 75 m²</i>
<i>Building F (Warehouse)</i>	<i>2,980 m²</i>		
<i>Building G (Warehouse)</i>	<i>2,360 m²</i>		

NOTES;

- *The parking allocated for the childcare centre component is technically short 1 space, based the Councils DCP requirements (50 children = 6.25 (7) spaces and 8 staff = 4 spaces). The allocated childcare parking is noted to provide 2 disabled spaces which is excessive ratio for the given allocation of parking. It is advised that the disabled space be relocated to the space just west of the lift and the space be widened to comply with AS 2890.6.*
- *The total number of spaces being removed is not detailed however, based on the site survey and aerial photo, only a relatively small proportion of*

spaces adjoining the existing warehouse buildings to be retained are to be removed. This may be problematic during the construction of the Bunnings carpark however, it is noted that Councils DCP requires a comparative ratio of 1 space per 65m² for warehouse parking, generating a warrant of 126 spaces for the given area. As such, the available parking shortfall is relatively minor and considering the arrangement is only temporary (during construction) the shortfall does not warrant significant concern.

Stage 2

Element	GFA (m²)	Parking Allocation (Carspaces)	Parking Rate
<i>Bunnings Hardware</i>	18,100m ²	540	1 space per 34 m ²
<i>Bulky Goods Retailing</i>	8,576 m ²	170	1 space per 50 m ²
<i>Childcare</i>	50 children 8 staff	10	
<i>Building F (Warehouse)</i>	3065 m ²	40	1 space per 136 m ²
<i>Building G (Warehouse)</i>	2,360 m ²		

NOTES:

- Whilst the parking allocated for the existing warehouse/ industrial tenants (Buildings G & G) it is foreseeable that excess customer parking demand produced by these will likely utilise the parking available in the Bunnings/ Bulky Goods Retailing area.

Stage 3

Element	GFA (m²)	Parking Allocation (Carspaces)	Parking Rate
<i>Bunnings Hardware</i>	18,100m ²	540	1 space per 34 m ²
<i>Bulky Goods Retailing</i>	16,548 m ²	360	1 space per 46 m ²
<i>Childcare</i>	50 children 8 staff	10	

In regards to the final parking capacity numbers proposed, the applicant's traffic consultant has presented a traffic and parking survey conducted in August 2013 by independent traffic survey consultants. The survey data is noted be more recent and expansive than the updated traffic and parking data provided by the RMS, as an addendum to their document "Guide to Traffic Generating Development", undertaken in 2009. The applicant's consultant believes the RMS data as not totally relevant to the site given the small sample size of the survey and large variances between store sizes and locations.

The consultant has presented peak parking generation rates for other sampled Bunnings outlets as tabled below.

		Peak Parking	Cars per m ²
Balgowlah	8,106m ²	163 cars	1 space per 50m ²
Parramatta	9,800m ²	196 cars	1 space per 50m ²
Chatswood	11,443m ²	234 cars	1 space per 49m ²
Bankstown	15,853m ²	285 cars	1 space per 55.6m ²
Castle Hill	18,860m ²	397 cars	1 space per 48m ²

The above rates present the peak parking demand, which are the maximum number of vehicles parked on the site during the survey period. It is warranted to note that the level of parking supply is typically 30% greater so as to minimise traffic congestion as well as accommodate extreme business periods. This is demonstrated in the RMS parking survey data as follows;

	Bunnings Bankstown (HW2)	Bunnings Minchinbury (HW4)
GFA	14,111 m ² *	11,915 m ²
Parking Capacity	472	403
Peak Parking Demand	318	264
Parking Rate	1 carspace per 33m ²	1 carspace per 30 m ²

*The applicants consultant notes that the floor area data for the Bunnings Bankstown store is incorrect and should be 15,853m². As RMS have not disputed this, the area is applied above to produce the parking rate.

Given that the proposed Bunnings parking rate is slightly less than the above comparative stores, which appear to have comfortable parking capacity, the adopted rate is therefore considered appropriate. Whilst it is greater than that originally postulated by Council's engaged Traffic consultants (Bitzios Traffic consultants), their peer review of the development application has not raised any concerns.

In comparison to recent development, a similar rate was accepted for the proposed Masters in Macquarie Park. Similarly the new Bunnings store in Alexandria (Euston Road) is considered the largest Bunnings outlet in NSW with 16,914 m² of retail area and some 3,600 m² of nursery, provides 560 parking spaces. The Planning Assessment undertaken by City of Sydney Council noted the applicant had presented parking surveys of 5 other Bunnings outlets with similar levels of parking supply. Accordingly the proposed level of parking is considered acceptable.

With regards to the bulky goods retail component, the applicant's traffic consultant has referred to the RMS survey data and made note of a comparative store (14,849m²) with a peak parking demand rate of 1 carspace per 61m². The consultant has gone on to mention however that the parking demand patterns of bulky good outlets are not unlike Bunnings, in particular "the larger floor areas, the longer the stay". The consultant has also made note that the RMS survey data is

not truly representative of the subject development given that the RMS surveyed stores have significantly lower floor areas and are of single tenant outlets. In spite of this, the report does not provide any further input.

It is agreed that a development comprising of multiple tenants and café facilities would encourage longer terms of customer parking given a high potential that most trips are multi-purpose. Despite this, the consultant has not provided any further justification in terms of the parking demand of the proposal. In consideration of this matter, a peer reviewed academic paper titled “Does size matter? – bulky goods retail trip generation and car parking demands” (Authors John (Mac) M Hulbert, Adam Pekol, and Laura J Kleinschmidt) investigated traffic matters associated with such stores, acknowledging that these land uses have a markedly different traffic and parking demands than traditional retail outlets such as shopping malls due to the nature of retail (bulky goods) and larger scale development capable of accommodating multiple tenants instead of a singular store outlet.

The study investigated 6 existing bulky goods retail outlets, accommodating 25 separate tenancies within Metropolitan Brisbane. Store sizes ranged from 1,900m² to 25,400m² GFA (average 11,900m²). The study undertook parking surveys over a period of 10 days to obtain broad depiction of parking demand rates based on floor area.

The following table is extracted from this study, presenting results of the parking demand rates as carspaces per 100m² of GFA:

Statistic	Thursday	Saturday	Combined Days
Minimum	0.90	1.02	0.90
Maximum	1.59	2.50	2.50
Average	1.35	1.77	1.56
85 th Percentile	1.55	2.20	1.97

As can be seen in the variations between the minimum and maximum observed parking rates, there is a variation of parking demand rates between the sites. The study has presented the 85th percentile result, a percentile which is commonly used in traffic engineering practice to encompass the majority of cases though not the extreme highs which are rarely accounted.

Noting the 85th percentile for the Saturday peak is 2.20 spaces per 100m² which presents as 1 carspace per 45m². Applying this rate to the subject application (GFA 16,584m²) produces a parking demand estimate of 365 spaces. Accordingly the proposed 360 parking spaces would be appropriate for the scale of the development, based on this study.

On the basis of the above comments, the proposed parking rate of 1 per 34m² for the Bunnings Warehouse and 1 per 46m² for the bulky goods premises is considered reasonable and acceptable.

In relation to the child care use, this application does not seek consent for the child care use. The parking rates to be applied to the child care centre under the DCP are as follows:

- 1 space / 8 children AND
- 1 space / 2 employees (see Part 3.2 Child Care Centres in this DCP)

The capacity of the child care centre will be dependent on the ability to comply with the 10 parking spaces that are allocated for use of that premises as denoted on the architectural plans.

8.11 Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

The development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan on the basis of construction of a development comprising 36,148m² of retail floorspace (18,100m² Bunnings Warehouse & 18,048m² Homemaker Centre).

Accordingly, the required contributions have been calculated as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$709,585.24
Open Space & Recreation Facilities	\$NIL
Civic & Urban Improvements	\$1,128,179.08
Roads & Traffic Management Facilities	\$318,102.40
Cycleways	\$96,153.68
Stormwater Management Facilities	\$439,559.68
Plan Administration	\$26,026.56
The total contribution is	\$2,717,606.64

Condition 32 requiring the payment of the above Section 94 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

Notes:

The CPI for June Quarter has been applied to the development. The CPI index for September quarter is likely be issued by Bureau of Statistics by 28 October 2014. Should a new rate be available prior to determination of this DA, the Panel will be advised of the same via a separate memorandum with the revised S94 Contributions amount.

8.12 LIKELY IMPACTS OF THE DEVELOPMENT

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those issues requiring further consideration are discussed below.

Staging of the development

The applicant is seeking consent for the development in its entirety, however, due to the scale of the proposed development, the applicant has identified three stages that the development will be constructed over. The staging of the development is detailed in the Proposal section of this report.

The first stage will be the largest of the three stages and will include construction works to widen Frank Street and the intersection works at Victoria Road and Tennyson Street as well as the road closure of College Street and the temporary access point from College Street.

The request to stage the construction of the development is reasonable in light of the magnitude of the development and the staging arrangements allow for suitable light and heavy vehicle access and on-site parking and loading areas. Like any Development Consent issued in NSW, a consent can be activated and it may be several years until it is finally completed. The applicant has detailed how each stage will be managed to minimise traffic impacts and provide appropriate on-site parking.

The recommended conditions of consent have been constructed to allow for the staging of the development and the staging of the demolition and site remediation. The impacts of airborne particles and noise impacts of the demolition and construction process will be managed by recommended conditions of consent and the management plans proposed by the applicant (see conditions 12, 25 to 27, 93 and 98).

Traffic generation and Temporary Road Closure

Traffic generation and on-site parking have been key considerations that have been addressed by the applicant as part of the Planning Proposal to rezone the site and allow for the subject development. This has been the subject of significant community interest and traffic management matters were included in Council's resolution on 28 April 2015 to approve the LEP Amendment 5 to be sent to the Department of Planning and Environment for gazettal.

The Council resolution involved the trial full closure of College Street from prior to construction/demolition commencing with a review of the closure to take place 12 months after Bunnings commences operation. The review process will consider the potential closure of College Street on a permanent basis to allow for the separation of light industry and residential traffic. However, it should be noted that as part of the proposed staging of the development, an access point from College Street to the Stage 3 portion of the site on the south-eastern side of the road closure point will be retained until such time that Stage 3 works commence (see condition 105).

The access arrangements to the site from College Street as part of Stages 1 and 2 are considered appropriate and reasonably necessary as part of redeveloping the site. Council's Traffic Engineer has raised no concerns in this respect subject to the imposition of relevant conditions.

Accordingly and as per the resolution of Council, conditions of consent are recommended requiring the closure of College Street to be implemented prior to Bunnings commencing construction/demolition with a review of the road closure to occur 12 months after the operation of the Bunnings store (see conditions 4, 5 and 6). This will allow a reasonable timeframe to determine the success or otherwise of the road closure to arrange for its permanent implementation, alteration or removal.

As discussed throughout this report and agreed by both the Applicant's traffic consultant and Council's Traffic Engineer, traffic generation as part of this proposal will be within the capabilities of the local street network subject to the road widening and the access arrangements proposed as part of this application.

Impact on the amenity of adjoining residential properties

The site specific controls of the Ryde DCP 2014 contained at Part 6.5 have been constructed with regard to minimising adverse impacts on the adjoining residential property at No. 18 College Street and the properties in the vicinity of the site. This includes provisions relating to setbacks, privacy, overshadowing and landscaping.

As detailed throughout this report, the subject application provides access points at appropriate parts of the site and employs boundary setbacks from the building elements that will achieve the intended minimal impacts on the adjoining residential properties.

Aside from the circular vehicle access ramp, the proposal provides setbacks at the southern boundary that exceed the requirements of the DCP. This allows for the establishment of a significant landscape buffer to soften the visual impacts of the development.

The treatments of the development including screening to the parking elements and the fact that no windows are oriented towards the site will ensure that the necessary levels of aural and visual privacy are retained to adjoining residential properties. The hours of operation proposed are commensurate with operating hours of other bulky goods retailers and Bunnings sites across Sydney and NSW. Acoustic Reporting prepared by the applicant has demonstrated that the operation of the Bunnings building, bulky goods buildings and the child care centre will satisfy identified noise criteria and sleep disturbance criteria which has been considered and accepted by Council's Environmental Health Officer.

In relation to overshadowing, Part 6.5 of the DCP contains specific controls relating to overshadowing and the proposal is demonstrated to comply with the overshadowing requirements and due to the setbacks proposed will have negligible impacts on the adjoining residential properties.

In relation to construction management, the applicant has provided construction management documentation that have been considered and accepted by Council's Environmental Health Officer and subject to the conditions recommended as part of this report, there will be entirely reasonable impacts arising from the construction programming of the development (see conditions 12, 19, 25 to 27, 93 and 98).

9. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site is a large light industrial site that was formerly mined as a quarry. The site is located below the street frontage of Victoria Road and College Street and is located on the edge of a light industrial area. The suitability of the subject development has been considered at length in the recent rezoning and change in heights that apply to the site and have been supported in anticipation of this proposal. The development will provide a significantly improved form of development at the site and will allow for the suitable traffic management and mitigation of traffic impacts on surrounding properties. As such, the site is considered to be suitable for the warehouse, bulky goods retail and child care centre use as proposed.

10. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is generally consistent with the applicable LEP provisions that have been recently made in relation to the site under Amendment 5 of Ryde LEP 2014. The development seeks a departure in relation to the maximum building height limit, however, has satisfied the statutory tests that allow for flexibility in particular circumstances. The development is generally in accordance with the site specific provisions of the DCP under Section 6.5 and will result in an appropriate interface with the adjoining residential property.

The site access and traffic management arrangements for the site as well as the temporary road closure of College Street in accordance with Council's resolution on 28 April 2015 is consistent with public expectations for redeveloping the site and is in the public interest.

The proposal will redevelop what is otherwise an older style light industrial estate with limited contribution to each street frontage, with a contemporary development that provides significant employment opportunities and will revitalise the area with a suitable urban form.

In light of the above, the proposal is considered to be in the public interest.

11. REFERRALS

The following table provides a summary of internal and external referrals undertaken for this application:

Internal Referral	
Heritage Advisor	No objections.
Environmental Health Officer	No objections - conditions provided.
Senior Development Engineer	No objections - conditions provided.
Consultant Landscape Architect	No objections - conditions provided.
Public Works (Drainage)	No objections - conditions provided.
Public Works (Traffic)	No objections - conditions provided.
Public Works (Public Domain)	No objections - conditions provided.
Public Works (Waste)	No objections - conditions provided.

External	
Traffic Consultant (Bitzios)	Council engaged a traffic consultant to review the submission of the applicant. Various issues were highlighted in an additional information letter sent to the applicant. The response of the applicant was considered by Council's Traffic Engineer who was satisfied with all matters relating to traffic and parking subject to conditions.
Roads and Maritime Authority	The application was referred to the RMS for concurrence as it is traffic generating development. Concurrence from the RMS was granted on 2 July 2015 subject to conditions of consent (see conditions 10, 11 and 75 to 77).
NSW Police	No objection raised subject to conditions (see conditions 118, 119 and 121).

12. PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with Council's notification policy, the application was advertised in the Northern District Times on 27 May 2015 and adjoining property owners were notified of this application. Submissions in relation to the application closed on 17 June 2015 and in total, 61 submissions have been received objecting to the application. A summary of the issues raised in the submissions and a response to each issue is provided as follows:

Issue 1: Concern was raised relating to traffic generation associated with the redevelopment of the site;

Response

The redevelopment of a site of this scale will ultimately result in additional traffic generation, however, as identified in the submitted traffic report and as agreed by Council's Traffic Engineer the traffic generation as a result of this proposal will be suitably accommodated in the local street network. This is subject to the road widening that forms part of a separate consent and has been included in this application.

Issue 2: Objection to the proposed hours of operation for the Bunnings Warehouse and home maker store;

Response

In relation to Bunnings Warehouse use, the proposal includes hours of operation as follows:

- Monday to Friday – 6.00am till 10.00pm; and
- Saturdays, Sundays and Public Holidays – 6.00am till 7.00pm.

The bulky goods warehouse uses seek consent for operation between the following hours:

- Monday to Friday – 8.00am till 9.00pm; and
- Saturdays, Sundays and Public Holidays – 8.00am till 7.00pm.

The operating hours of the child care facility will be the subject of a separate application. The above operating hours are commensurate with other similar facilities that operate in Sydney and NSW Generally. Bunnings will commence operations at 6.00am and due to the location of the Bunnings Warehouse (northern portion of the site) and the access arrangements to the trade and collection areas, these operating hours will not give rise to any unreasonable impacts on the residential properties that are located in the vicinity of the site. The operating hours of the bulky good retail store are reasonable and in light of design measures and setbacks employed by the development, there are no material impacts anticipated on residential properties in the vicinity of the site. Conditions 128 and 129 have been imposed with regard to the above operating hours.

Issue 3: Trial closure of College Street is generally endorsed by residents, however, concern is raised in relation to the continued access to the site from the residential areas during the construction phase. This was not accepted as an effective measure of the success of the trial period for the road closure and is contradictory to the Council resolution;

Response

The continued access to the site from the residential side of the College Street closure point relates only to the existing Buildings F (partial) and G that will be retained up until Stage 3. Infini Movie, Acre Woods Child Care Centre and Nam Ho & You Jing Table Tennis currently occupy Building F whilst Building G is currently used for warehousing/storage. Vehicles accessing other buildings within the site previously could use this access point. The proposed Stage 1 works include closure of the existing internal road between Buildings F & G (using kerbs and bollards) which will prevent any Bunnings related traffic, including construction traffic, utilising the subject College Street access point.

As such, notwithstanding the retention of this access point until the commencement of Stage 3, the level of traffic using this access point and entering the residential portion of College Street will be less than has historically been the

case and will allow for the continued operation of the businesses within Blocks F and G as is reasonable for a development of this magnitude that requires staged construction.

A condition of consent will accordingly be imposed with regard to approval of a Demolition & Construction Traffic Management Plan (DCTMP) (see condition 20). Condition 20 includes a specific restriction stating that the DCTMP must not allow demolition/construction traffic to enter the site from the College Street access point on the residential side of the road closure. This will ensure that when the road is closed, no construction traffic will enter the adjacent residential area and that continued traffic that will use the residential streets will be less than the existing arrangements until such time as all access from College Street is terminated.

Furthermore, in accordance with the resolution of Council, conditions of consent are recommended requiring the closure of College Street to be implemented prior to Bunnings commencing construction with a review of the road closure to occur 12 months after the operation of the Bunnings store (see conditions 4, 5 and 6). This will allow a reasonable timeframe to determine the success or otherwise of the road closure to arrange for its permanent implementation or removal.

Issue 4: Objection raised to the Closure of College Street and its impact on local business owners. This particular objection dealt with the implications of the road closure on the businesses that operate in the light industrial complex accessed from Frank and College Streets noting that this will affect the relationship with local and arterial roads that currently exist and will give rise to traffic congestion and parking issues.

The objector noted strong concern with the full trial closure of College Street and identified that the Council resolution for the full closure of College Street and 12 month trial was contrary to the recommendations of an independent traffic consultant and council staff who were advocating a partial road closure the RMS who wanted partial closure of College Street (One way only);

Response

The proposed development incorporates the implementation of the trial full closure of College Street prior to the commencement of construction/demolition for Stage 1 (Bunnings). This is consistent with Council's resolution of 28 April 2015 that concurrently approved the rezoning and increase in height at the site. In addition, the resolution includes a requirement for a review of the closure to occur after 12 months operation of the Bunnings store. This may feasibly result in the road closure for up to 4 years, taking into account the construction program for Stage 1. The trial closure allows for a full review of the outcome of the road closure to

inform any future permanent full or partial closure or the reopening of College Street.

This submission essentially reiterates objections raised at the planning proposal stage regarding the closure of College Street as part of the proposed Bunnings development. Notwithstanding the objections raised, Council resolved to implement a full closure of College Street prior to the commencement of construction (as opposed to a recommended partial closure) with a review to occur 12 months after the operation of the Bunnings store. The basis of the resolution cannot be revisited. The application is nevertheless considered acceptable with regard to traffic generation and parking issues.

Issue 5: The length of construction phases is uncertain and suspected to be a continual disruption to local residents;

Response

It is not appropriate for the construction program to be controlled by Council. As is the case for any development consent issued in NSW it can be commenced and take several years until it is finally completed. Notwithstanding, the applicant makes their intent clear to roll out stages and would be expected to be in their interest to condense the construction program.

It is acknowledged that the construction program may result in some disturbances to neighbours, however, suitable conditions of consent have been imposed to ensure that the businesses and child care centre that continues to operate as well as the residential properties are safeguarded by construction management processes including hours of construction, dust suppression and noise attenuation.

Issue 6: Staged construction may never see the development complete as proposed and may give rise to changes that should be locked in as part of this application;

Response

The application is not being approved as a staged development and as such the merits of the scheme across the site are considered as part of this assessment. The applicant is entitled at any point in time to lodge an application to modify aspects of the development under Section 96 of the Environmental Planning and Assessment Act, 1979. Such an application would be required to be substantially the same as the originally approved development.

That being said, the approved development may be subject to changes in the future and as previously discussed it is not reasonable to require a completion timeframe for a proposal of this magnitude.

Issue 7: Need to relocate substation, provide a temporary substation and comply with relevant Australian Standards for the substation;

Response

The need to relocate the existing substation and provide a temporary substation is a matter that will be considered as part of the Construction Certificate. There is potential for a substation or temporary substation to be located in the building setback to Frank Street.

Issue 8: A submission has been made on behalf of the child care centre operator that exists at the site (Acre Woods Childcare) and will remain at the site until Stage 3 is commenced. The submission was supported by a Review of the Construction Noise and Vibration Impact as well as an Air Quality Assessment that considers impacts of the construction and demolition process on the children and staff of the centre. Both Reports have been prepared by industry experts. The submission objects to the development and offers recommendations should the consent authority decide to approve the application.

Response

The technical reports submitted in support of this objection were considered by Council's Environmental Health Officer who has provided the following comments:

Environmental Health have reviewed the reports submitted on behalf of Acre Woods Child Care –Gladesville (Air Quality Assessment Report by NG Child & Associates dated 1 October 2015 and Construction Noise & Vibration Impact Report by Renzo Tonin & Associates dated 28 September 2015) in relation to the Noise, Air Quality Impact and Vibration Report prepared by Wilkinson Murray (13 August 2015) and submitted with the application.

The Wilkinson Murray report does not fully satisfy Council's requirements in terms of dust control, noise and vibration control during demolition and construction work and does not clearly outline adequate measures to be carried out to achieve control and mitigation of dust, noise and vibration impacts during the demolition and construction stage.

Council however is satisfied that the demolition work can be carried out with an acceptable level of impact on adjoining premises subject to additional and appropriate controls being implemented during the demolition and construction phase.

As a result the following condition must be included in this application:

Noise and Vibration Management Plan. *Prior to commencement of any demolition work, the proponent must submit to Council for approval, a detailed Noise and Vibration Management Plan. The Noise and Vibration Management Plan must be prepared by a suitably qualified acoustical consultant and must demonstrate noise and vibration during demolition and construction work will comply with the Department of Environment and Conservation NSW – Assessing Vibration: a technical guideline - 2006 and the Australian Standard “Guide to Noise Control on Construction, Maintenance and Demolition sites” -2010 and AS 2601 “The Demolition of Structures” -1991.*

All measures and recommendations contained within the approved plan must thereafter be implemented during all demolition and construction work.

The above recommended condition has been included as condition 19 whilst condition 98 also relates to the implementation of the measures and recommendations contained in the above required detailed report.

Standard conditions of consent are also recommended with regard to matters such as hours of work for demolition and construction activities (condition 12), hazardous materials and asbestos management (conditions 25 to 27) and dust control (condition 93). Whilst a degree of adverse impact from the demolition and construction work is inevitable, this is the case for the majority of major developments many of which also in close proximity to sensitive uses such as medical facilities, schools and child care centres.

What is required in the assessment of the DA is to ensure that the likely impacts can be reasonably managed and minimised as much as possible. This has been confirmed in this instance and it is standard for related detailed information and reports to be provided prior to the commencement of demolition rather than at the DA stage.

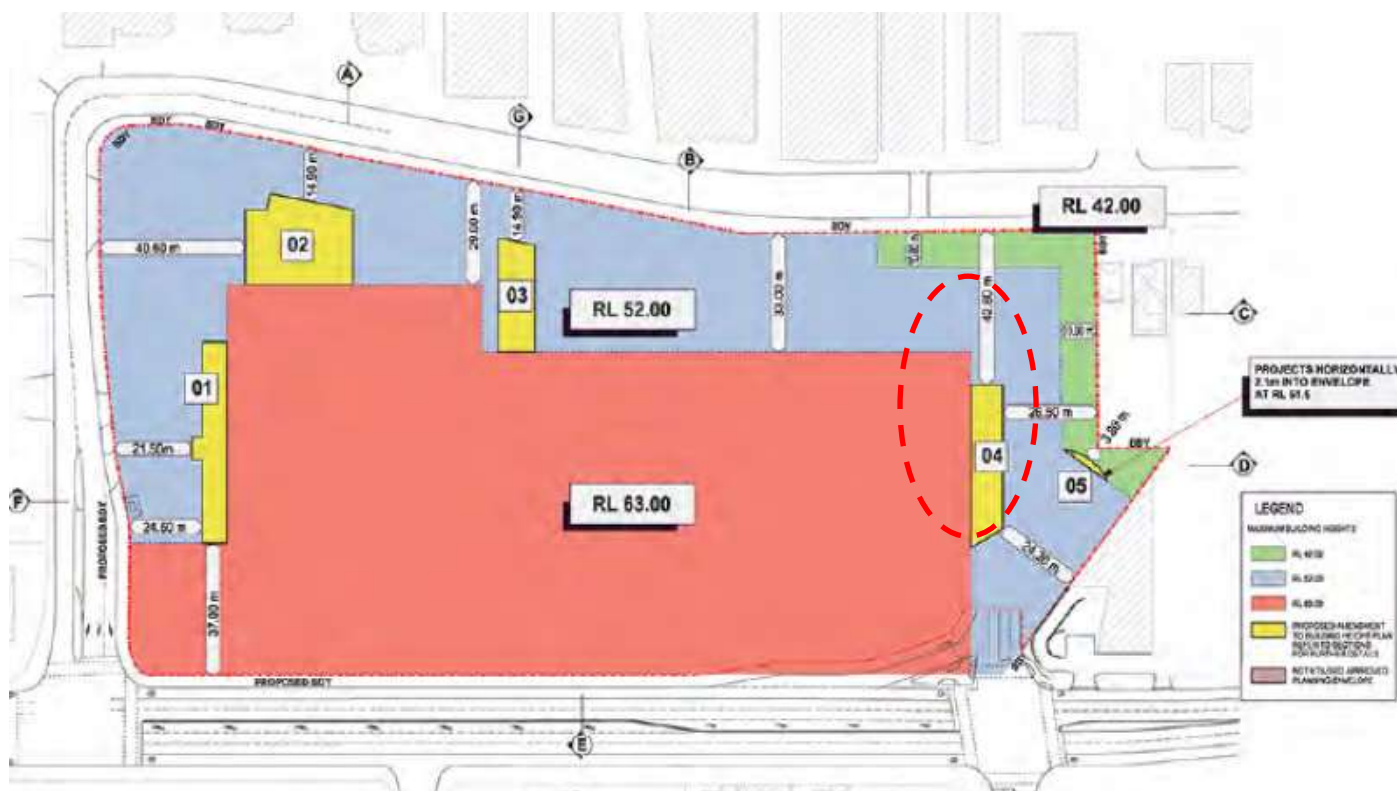
Accordingly, subject to the recommended conditions being imposed, it is considered that the impacts of demolition and construction work can be adequately managed to ensure acceptable levels of impact on the children and staff at the Acre Woods child care centre.

Issue 9: Objection to the height of the building (adjoining property at 18 College St);

Response

The site is the subject of site specific planning controls that limit building height to identified RLs that are incorporated in the LEP height maps. The established

heights were based on an urban design exercise associated with a previous scheme that has since evolved. The height exceedance at the south-eastern boundary relates to a small portion of the building that is setback 27m from the residential property boundary. As discussed in this report, the setback proposed at the southern boundary allows for the establishment of significant vegetation adjacent to the residential property and a built form relationship that is arguably superior to a scheme that fully complies with the height and minimum boundary setbacks.



Issue 10: Impact on street parking;

Response

Council's Development Control Plan does not have parking generation rates that apply to bulky good retail premises of hardware / Building supplies and the applicant's traffic engineer has identified comparative parking generation rates relating to each use that Council's Traffic Engineer and Senior Development Engineer have agreed are appropriate. As such, the proposal provides parking on site that is suitable to accommodate the anticipated parking demand and as such there should be no additional impact to on-street parking in the vicinity of the site.

Issue 11: Noise impact from increased traffic;

Response

The degree of additional traffic generated in the vicinity of the site will not result in any material impacts on the amenity of residents in the vicinity of the site. As detailed earlier in this report, an Acoustic Report has been submitted with this application detailing that the operation of the site including noise from plant and traffic will be within established noise criteria, based on ambient background noise levels. As such, the design of the development including site access arrangements, setbacks, window orientation as well as the operational arrangements will not give rise to significant acoustic impacts on surrounding residential properties.

Issue 12: There is no need for another Bunnings as market is reaching saturation;

Response

The proposed land uses are permissible with consent from Council and the necessity for such a use is not a matter for consideration as part of assessing this application.

Issue 13: Bunnings will impact on existing smaller businesses;

Response

The proposed development may result in local competition, however, this is not a matter to be considered as part of the assessment of this application.

Issue 14: Will there be a restriction on hours of construction;

Response

Construction hours will be subject to limitations imposed as part of this consent (see condition 12).

Issue 15: Trial closure of the road needs to occur before Stage 1 of the development commences;

Response

The trial closure of College Street will occur as part of the Stage 1 works and a review will take place after 12 months operation of the occupation of the Bunnings Building (see conditions 5 and 6).

Issue 16: Residents need clarity regarding the timeframes for each construction stage.

Response

As detailed above, restriction of the timeframe of each construction process is unreasonable. It is sufficient to manage the impacts of the proposal on residential amenity by ensuring suitable conditions of consent with respect to construction management.

13. CONCLUSION

This report considers an application for demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre comprising two tenancies; and construction of a child care centre building; two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage at Nos. 459, 461-495 Victoria Road, Gladesville.

The site is a large former quarry that has been the subject of a Planning Proposal (LEP Amendment 5) to amend the zoning from 'IN2 – Light Industrial' to 'B5 – Business Development' with associated height increases.

At the time that the application was lodged LEP Amendment 5 was in draft form, however, it has since been gazetted and did not contain savings provisions. The proposal comprises a warehouse/building use, bulky goods use and an “in principle” child care use, all of which are permissible with consent in the zone.

The proposal will provide 900 parking spaces on the site and will generate increased traffic. The application involves road widening and the inclusion of intersection works that have been previously approved to ensure that access to and from the site is in the most suitable location and will not give rise to undue impacts on the local traffic network. The traffic, vehicular access and parking arrangements at the site have been accepted by Council's Traffic Engineer and are in accordance with the relevant development control plan.

The development includes the closure of College Street which is in accordance with a DCP requirement that stems from a Council resolution. The Council resolution, which was a resolution to endorse the rezoning of the site, also requires the applicant to undertake road works that are beyond the immediate

network of streets surrounding the site. The applicant will be required to do all road works that are in the vicinity of the site including the full trial closure of College Street and works to Cressy Road.

The proposal includes 3 construction stages which, in light of the magnitude of the development is reasonable. The staging of the construction process will involve temporary road access and retaining existing buildings and access points at the site. Subject to compliance with the construction management conditions and methodologies proposed by the applicant, the staging of the construction will have acceptable impacts on residential properties and the ongoing operation of businesses, including a child care centre at the site.

The application seeks a departure from the newly gazetted maximum height limits that apply to the site. The applicant has provided suitable justification in a Clause 4.6 variation statement to demonstrate that the flexibility to the height standard will result in an improved outcome for and from the development.

The application has demonstrated that the development is consistent with the relevant provisions of the DCP that relate to the subject site under Part 6.5 and the remaining provisions of the DCP relating to amongst other things, parking and signage subject to conditions.

The development in its current form will not give rise to significant or unreasonable impacts on the amenity of the neighbouring residential properties.

It is recommended that the application be approved subject to conditions.

14. RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2014/214 for the demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre comprising two tenancies (no fitout proposed); and construction of a child care centre building; including two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage at Nos. 459 & 461-495 Victoria Road, Gladesville, subject to the conditions of consent in Attachment 1 of this report;

- B. That those persons making a submission be advised of the decision; and
- C. That RMS is advised of the decision.

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