



planning consultants

Statement of Environmental Effects



- Stage 1 Master Plan
- Stage 2 Demolition of Existing Structures, Earthworks and
Erection of a Bulky Goods (Hardware and Building
Supplies) Warehouse and Plant Nursery

1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg

Prepared for: Bunnings Group Limited
Project No: 8899A
Date: February 2015



Statement of Environmental Effects

Stage 1 Master Plan and Stage 2 Bulky Goods (Hardware and Building Supplies) Warehouse and Plant Nursery
1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg

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Statement of Environmental Effects

Stage 1 Master Plan and Stage 2 Bulky Goods (Hardware and Building Supplies) Warehouse and Plant Nursery
1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg

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Abbreviations

AHD	Australian Height Datum
AS	Australian Standard
ASS	acid sulfate soils
AST	aboveground storage tank
BCA	Building Code of Australia
BTA	bushfire threat assessment
CC	construction certificate
Council	Fairfield City Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DoPE	NSW Department of Planning and Environment
DoPI	former NSW Department of Planning and Infrastructure
DWE	NSW Department of Water and Energy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	environmental planning instrument
FPL	flood planning level
FSR	floor space ratio

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Abbreviations

GFA	gross floor area
LEP	local environmental plan
LGA	local government area
LoS	level of service
NGL	natural ground level
NoW	NSW Office of Water
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPWS	National Parks and Wildlife Service
OEH	NSW Office of Environment and Heritage
REP	regional environmental plan
RFI Act	<i>Rivers and Foreshore Improvement Act 1948</i>
RFS	NSW Rural Fire Service
RF Act	<i>Rural Fires Act 1997</i>
RL	reduced level
RMS	NSW Roads and Maritime Services
RTA	former Roads and Traffic Authority of NSW
SCI	site contamination investigation
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
SIS	species impact statement
TSC Act	<i>Threatened Species Conservation Act 1995</i>
UST	underground storage tank
WM Act	<i>Water Management Act 2000</i>

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1 Introduction

1.1 Commission

DFP has been commissioned by Bunnings Properties Pty Ltd ('Bunnings' or 'the Proponent') to prepare a Statement of Environmental Effects (SEE) for the proposed bulky goods (hardware and building supplies) warehouse and plant nursery at 1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg ('the Site').

This report is to accompany a development application (DA) to Fairfield City Council (Council) for a proposed development comprising:

Stage 1 – Master Plan

- A Master Plan for the Site in accordance with subclause 25H(9) of *Fairfield Local Environmental Plan 1994* ('LEP 1994' or 'the LEP');

Stage 2 – Single Stage Development Proposal

- Demolition of all existing structures and pavement;
- Bulk earthworks and some tree removal;
- Construction of a bulky goods warehouse including hardware and building supplies, timber trade sales, outdoor plant nursery and bagged goods with a total retail area of 15,370m²;
- Vehicular access via Bonnyrigg Avenue and Elizabeth Drive;
- Car parking for 410 vehicles; and
- Associated signage and landscaping.

The Site is located on the north western corner of Bonnyrigg Avenue and Elizabeth Drive in the Bonnyrigg Town Centre and is zoned 4(c) Special Industrial ('the 4(c) Zone') under LEP 1994.

1.2 Purpose of this Statement

The purpose of this report is to provide Council and relevant NSW State Government Agencies with all relevant information necessary to assess the subject development proposal and to determine the DA in accordance with Section 80 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The proposed development has been lodged as a Staged DA pursuant to Part 4 Division 2A of the EP&A Act as subclause 25H(9) of LEP 1994 requires the preparation of a DCP. Subsection 83C(2) of the EP&A Act provides that if an environmental planning instrument (EPI) requires the preparation of a DCP, that obligation may be satisfied by the making and approval of a staged DA in respect of that land.

The proposed development is Integrated Development pursuant to Part 4 Division 5 of the EP&A Act as it requires the following approvals, licences, permits or permissions:

- Consent from NSW Roads and Maritime Services (RMS) under the *Roads Act 1993* for works within a classified road – Elizabeth Drive; and
- A Controlled Activity approval from the NSW Office of Water under Section 91(2) of the *Water Management Act 2000* for works on 'waterfront land'.

These matters are discussed in more detailed in Section 4 of this SEE.

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1.3 Project Team

The preparation of the DA has been a collaborative effort by a team of consultants including:

Table 1 The Project Team

Town Planning	DFP Planning Pty Limited (DFP)
Architectural	JR Brogan & Associates (JRB)
Surveyor	Craig and Rhodes
Traffic and Parking	Transport & Traffic Planning Associates (TTPA)
Contamination	Environmental Investigation Services (EIS)
Geotechnical	JK Geotechnics
Flooding	Cardno
Civil Engineering	C&M Consulting Engineers
Ecology & Bushfire	Abel Ecology
Landscape	John Lock and Associates (JLA)
Acoustic	Wilkinson Murray

1.4 Material Relied Upon

This SEE has been prepared by DFP based on information referred to herein and/or appended to this report and a Site inspection undertaken in October 2014.

1.5 Report Structure

This SEE is structured in the following manner:

- Section 2** is a **Site Context** and provides a detailed description of the Site and the nature of surrounding development.
- Section 3** details the **Master Plan and Proposed Development**.
- Section 4** outlines the **Approvals, Permits and Licences** which may be required pursuant to the relevant legislation.
- Section 5** is a detailed **Environmental Assessment** of the proposed development.
- Section 6** is a **Conclusion** and provides recommendations for determination of the DA.

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2.1 Location

Figure 1 Site Location.

2.2 Site Description

The Site is located on the north western corner of Bonnyrigg Avenue and Elizabeth Drive, Bonnyrigg, Post Code 2177. The Site is legally described as Lot 2 DP 1071647 and Lot 1 DP 1071647, being Nos. 1-9 and 11-15 Bonnyrigg Avenue respectively (see **Figure 2**).

The Site has an area of 22,159m² with a north-eastern boundary of approximately 130 metres, a south-eastern frontage to Bonnyrigg Avenue of approximately 175 metres, a south-western frontage to Elizabeth Drive of approximately 105 metres and a north-western boundary of approximately 175 metres.

The Site slopes gently downward from the Bonnyrigg Avenue frontage to the north-western boundary, part of which appears to have been artificially elevated above natural ground level with a retaining structure along much of this boundary within Lot 1.

Lot 1 is occupied by a bus depot which comprises an administration building in the north-eastern corner of the Site, several other ancillary structures and shelters, several large aboveground fuel storage tanks and an expansive paved area. Lot 2 is vacant except for several isolated trees and a soil stockpile.

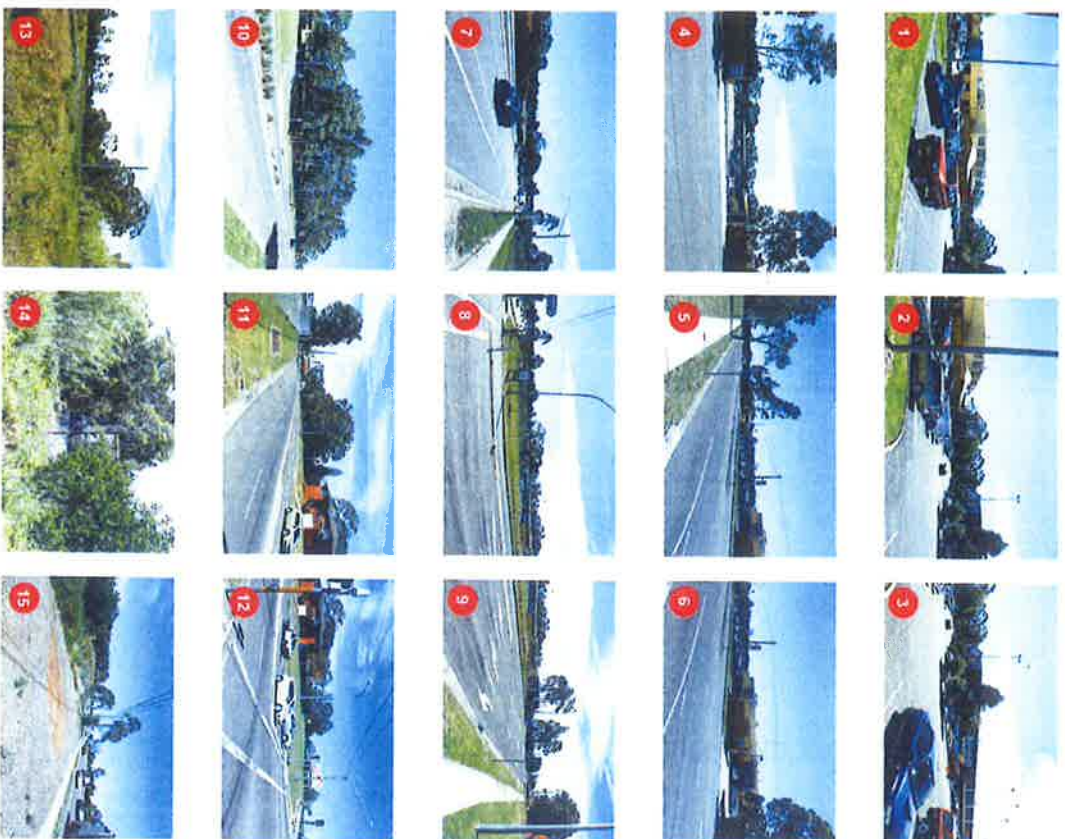


Figure 2 Site Context

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The Site has vehicular access solely from Bonnyrigg Avenue, with a chainwire gate approximately 30 metres from Elizabeth Drive giving access to Lot 2 although there is no kerb crossing in this location. Three separate vehicular driveways are available to Lot 1, both with kerb crossings.

There is very limited vegetation within the Site with several trees and shrubs along the Bonnyrigg Avenue frontage, one tree on the north-eastern boundary, one tree adjacent to the administration building on Lot 1 and three trees within Lot 2. Immediately adjoining the Site to the west is a large stand of trees within the drainage corridor to Clear Paddock Creek.

Water, sewer, electricity and telecommunications are all available to the Site.

2.3 Surrounds

The Site is on the edge of the Bonnyrigg Town Centre and is therefore a transitional site between the retail, commercial and light industrial uses within the centre to the north, residential development to the east and south and drainage corridor, transport and recreation uses to the west (see **Figure 2**).

To the north at No. 21 Bonnyrigg Avenue is the existing Bunnings Warehouse which the proposal will replace, thereby allowing for alternate use of that site or its redevelopment.

To the north-east, on the opposite side of Bonnyrigg Avenue, is Bonnyrigg Plaza, Bonnyrigg Public School and a Buddhist Temple.

To the east, on the opposite side of Bonnyrigg Avenue, is a residential housing estate and low density residential housing.

To the south, on the opposite side of Elizabeth Drive, are low density residential areas within the suburbs of Bonnyrigg and Bonnyrigg Heights.

To the west is the riparian corridor of Clear Paddock Creek and Henty Creek. These creeks flow beneath the Liverpool to Parramatta Transit (LPT) Way to a lagoon surrounded by recreational and community uses with the suburb of Edensor Park.

2.4 Surrounding Road Network

As indicated, the Site has frontages to Elizabeth Drive and Bonnyrigg Avenue.

Elizabeth Drive is also known as Main Road (MR) 535 which is a State Road under the care and control of the NSW Roads and Maritime Services (RMS). It comprises two eastbound and two westbound lanes with left hand and right hand filters into Bonnyrigg Avenue.

Bonnyrigg Avenue is a Local Road under the care and control of Council. It comprises two northbound and three southbound lanes with two left hand and one right hand filters into Elizabeth Drive.

The intersection of Elizabeth Drive and Bonnyrigg Avenue is signalised with pedestrian signals and crossings on the northern and eastern arms.

3 Master Plan and Proposed Development

3.1 Stage 1 - Master Plan

The proposed development has been lodged as a Staged DA pursuant to Part 4 Division 2A of the EP&A Act as subclause 25H(9) of LEP 1994 requires the preparation of a DCP. Subsection 83C(2) of the EP&A Act provides that if an EPI requires the preparation of a DCP, that obligation may be satisfied by the making and approval of a staged DA in respect of that land.

Accordingly, Stage 1 of the DA is a Master Plan for the Site and the following subsections outline details of the Master Plan and how it responds to the requirements of subclause 25H(10) of the LEP.

3.1.1 Master Plan Diagram and Response to Objectives for the Town Centre

A diagrammatic Master Plan for the Site has been prepared by JRB and Table 2 below responds to the relevant objectives set out in subclause 25H(2) of the LEP.

Table 2 Relevant considerations under subclause 25H(2) of LEP 1994

Provision	Assessment
(a) ensure that Part 3 of DCP No 28 is considered	A detailed assessment of the proposal against the relevant provisions of Part 3 of the DCP is provided in Table 7 of this SEE.
(b) create a clearly defined urban structure for the Town Centre that is sympathetic to the scale and appearance of surrounding areas, integrating the existing public housing estate with surrounding residential areas and featuring clearly defined entrance points to the Town Centre.	The proposal utilises land that has been zoned for uses such as that proposed and which does not have a direct interface with existing residential areas within the Town Centre Precinct. The proposal will provide for a large and notable building at the southern entry to the Town Centre, thereby clearly defining the entry to the Town Centre.
(c) allow for a mix of integrated land uses and activities that support the retail, commercial, cultural and social vitality and viability of the Town Centre.	The proposed hardware and building supplies land use will replace the existing facility on the northern adjoining site, which is already an integral part of the diverse range of land uses that contributes to the economic and social vitality of the Town Centre.
(d) restore the natural setting of Clear Paddock Creek and establish a vegetated riparian corridor along either side of that creek and an off-line stormwater treatment system, promoting opportunities for sustainable biodiversity and biological linkages between areas of remnant native vegetation.	The Site is currently entirely outside of the riparian corridor of the creek and the proposal will generally maintain existing ground levels so that future development does not result in an adverse impact on water flows, quantities or flora and fauna within the creek corridor.
(e) enhance the use and enjoyment of urban spaces and restored open space areas in the Town Centre through landscape design.	The proposal does not impact on any existing urban spaces or open spaces within the Town Centre.
(f) minimise the potential impacts of flooding, urban waste and stormwater on the Town Centre and surrounding neighbourhoods.	The proposal will result in no change to flood levels, velocities or storage capacity and appropriate stormwater management measures can be implemented (see Section 5.3.4).
(g) to create a distinctive landscape character that enhances the image of the Town Centre, incorporating connections to public gathering places in Clear Paddock Creek Park and opportunities for focal points through landscape design, and highlighting the culture of the local community.	The proposal will facilitate the relocation of the existing bulk goods retail hardware store from the northern adjoining site to the Site. This is considered to be beneficial, as it will ultimately provide an opportunity for the northern adjoining site, which is closer to the heart of the Town Centre and creek crossings, to be redeveloped in a manner anticipated by the Town Centre Master Plan.
(h) to promote opportunities for infill development, ensuring that the form, appearance, size and placement of any such development helps to enhance the character of the Town Centre and emphasise the distinctiveness of local cultural environments.	The Site is at the south-western extremity of the Town Centre and future development of the Site is not considered to be infill development in the context of this objective.

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Table 2 Relevant considerations under subclause 25H(2) of LEP 1994

Provision	Assessment
(i) to enhance vehicular access and linkages within, and to and from, the Town Centre,	The proposal will relocate the existing bulky goods retail hardware use closer to Elizabeth Drive and provide the opportunity for heavy vehicle and light vehicle traffic to utilise the southern extent of Bonnyrigg Avenue only, thereby reducing heavy vehicle traffic in the heart of the Town Centre. This is likely to be beneficial to the remainder of the Town Centre land uses.
(j) to increase opportunities for the provision of, and access to and from, public transport.	N/A
(k) to improve access within, and to and from, the Town Centre for people with disabilities.	The proposed development will provide for appropriate disabled access as required by prevailing standards.
(l) to improve pedestrian access and amenity within, and to and from, the Town Centre.	As indicated, above, removal of heavy vehicle access points for the bulky goods (hardware and building supplies) and plant nursery land use from the heart of the Town Centre to the Site is likely to provide for greater opportunities to improve pedestrian access and amenity in the heart of the Town Centre and in close proximity to educational and community land uses.
(m) to create a pedestrian and cycleway network that:	The proposal does not impede the objective to provide a high quality pedestrian and cycle network throughout the Town Centre and does not impact upon the creek corridor to the west in any way.
(i) links all surrounding residential areas, public transport interchanges and areas of open space with the Town Centre, and	
(ii) minimises any potential impact on the natural environment by locating primary pedestrian pathways away from the existing/proposed vegetated riparian corridor along either side of Clear Paddock Creek and away from areas of remnant native vegetation,	
(n) to provide sufficient parking, and servicing access, to customers of the Town Centre, ensuring that parking and service areas are accessible to users and managed effectively,	As detailed within this SEE, car parking appropriate for the proposed bulky goods and plant nursery land use is to be provided beneath the proposed building, thereby removing large expanses of unsightly surface car parking from the streetscape.
(o) to allow development that incorporates a variety of housing, increasing housing choice and flexibility, to accommodate a range of income groups and encourage social diversity.	N/A the proposal does not involve any residential development.

3.1.2 Measures to mitigate environmental impacts

Subclause 25H(10)(b) of the LEP requires the Master Plan to include information about measures to mitigate any environmental impacts of the proposed development, including measures for any of the following that are of relevance to the proposed development:

- noise attenuation;
- flood mitigation and attenuation;
- water management; and
- soil management.

Noise

The Acoustic Impact Assessment report prepared by Wilkinson Murray (see **Index 10**) indicates that the use of the Site for a hardware and building supplies land use as proposed will not result in an adverse acoustic impact on nearby sensitive receivers within or adjoining the Town Centre (see also **Section 5.2.4**).

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Flood Mitigation

The Flood Impact Assessment prepared by Cardno (see **Index 6**) indicates that the existing and proposed levels of the Site are above the requisite flood planning levels and that future development of the Site for a bulky goods retail land use as proposed will not alter flood storage, levels or velocities and that suitable access can be attained.

Water and Soil Management

A Stormwater Assessment has been undertaken by C&M Consulting Engineers (**Index 6**) which describes a number of measures to control the quantity and quality of stormwater and the proposal is considered acceptable in this regard (see **Section 5.2.2**).

3.1.3 Measures to enhance the natural environment

Subclause 25H(10)(c) of the LEP requires the Master Plan to include information about any measures to enhance the natural environment, including any of the following measures that are of relevance to the proposed development:

- measures to establish a vegetated riparian corridor along either side of Clear Paddock Creek;
- measures to protect or regenerate any remnant native vegetation; and
- measures to promote biological linkages between remnant native vegetation.

The Site is wholly external to existing vegetation that forms the riparian corridor and there is no remnant vegetation on the Site that will be affected by future development.

3.1.4 Urban Design Considerations

Subclause 25H(10)(d) of the LEP requires the Master Plan to provide details in relation to urban design considerations (such as privacy, security, identified views and the relationship of the proposed development to the public domain), drawn from an analysis of the site and its context, together with an explanation of how the proposed development relates to provisions of the Town Centre DCP.

The primary urban design considerations for the Site are considered to be:

- Vehicular Access;
- Relationship to residential development to the east;
- Presentation to Elizabeth Drive and Bonnyrigg Avenue (i.e. gateway); and
- View corridors as identified by the DCP.

Vehicular Access

The proposal represents an opportunity to continue to have a bulky goods retail hardware land use within the Town Centre, thereby contributing to the social and economic well-being of the surrounding community, whilst relocating considerable heavy traffic from the core of the Town Centre to Elizabeth Drive and the southern-most extent of Bonnyrigg Avenue. This is considered to be a significant positive impact which will allow a more pedestrian oriented future development of the Town Centre core.'

Relationship to residential development

The proposal will replace a bus depot which is directly opposite existing residential development with a well-designed building within a landscaped setting. As assessed within this SEE, traffic and noise impacts are considered to be acceptable with regard to the nearby residential development and there is unlikely to be any adverse overlooking or privacy impacts as the use is essentially a commercial one which is well set back from any existing or proposed future dwellings.

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Gateway

The proposal will provide a large and notable building at the southern gateway of the Town Centre which is likely to provide for a more significant urban design statement than small scale medium density residential buildings as envisaged by the DCP. This is considered to be a positive outcome for the Town Centre and one which recognises the diverse range of facilities and services available in the Town Centre, whilst providing opportunities for smaller scale development to be undertaken closer to the Town Centre core where a finer grain urban form would be more suitable.

View Corridors

The primary view corridors within the Town Centre are considered to be as identified in the DCP, being across the core of the Town Centre between the religious temples, connecting the community uses on either side of the creek and Transit Way. These view corridors will be maintained by relocating the larger building mass of a hardware and building supplies land use to the southern end of the Town Centre Precinct.

3.1.5 Staging of Development

Subclause 25H(10)(e) of the LEP requires the Master Plan to incorporate information about the staging of the proposed development.

The proposed bulky goods warehouse and plant nursery and all ancillary works are proposed to be constructed in a single stage and details of the proposal are provided in the following section of this SEE.

3.2 Stage 2 - Single Stage Development Proposal

3.2.1 Summary and Development Statistics

The proposed development comprises:

- Demolition of all existing structures and pavement;
- Bulk earthworks and some tree removal;
- Construction of a bulky goods warehouse including hardware and building supplies, timber trade sales, outdoor plant nursery and bagged goods with a total retail area of 15,497m²;
- Vehicular access via Bonnyrigg Avenue and Elizabeth Drive;
- Car parking for 410 vehicles; and
- Associated signage and landscaping.

The key development statistics of the development are detailed in **Table 3**.

Table 3 Key Development Statistics

Site Area	22,159m ²
Building Height (max)	15 metres
Gross Floor Area (GFA)	12,185m ²
Outdoor Nursery	1,553m ²
Bagged Goods	1,632m ²
Total trade area	15,370m ²
Car Parking	410 spaces

The following subsections provide a more detailed description of the proposed development.

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3.2.2 Demolition and Site Preparation

The proposal will involve the demolition of the existing buildings and ancillary structures including the existing pavement across the Site.

Earthworks and minor excavation will be required to accommodate the building footings and basement car parking slab.

3.2.3 Tree Removal and Pruning

The proposal will entail the removal of most trees and other vegetation within the Site although none of this vegetation has been assessed as being remnant vegetation or as having any particular significance. Eucalyptus trees along the Bonnyrigg Avenue frontage and within the road reserve on Elizabeth Drive will be retained.

3.2.4 Building Form and Design

The proposal involves the construction of a bulky goods warehouse over basement car parking with ancillary plant nursery and bagged goods area. The following summarises key features of the proposed building and ancillary structures:

- Basement/Undercroft car parking at RL 45.30;
- Lifts and travellers to the Warehouse Level at RL 49.20;
- Main pedestrian entry oriented toward Bonnyrigg Avenue;
- A main warehouse building generally setback 36 metres from the Bonnyrigg Avenue frontage, 30 metres from Elizabeth Drive and 9 metres from the western boundary;
- A Timber Trade Sales area at the northernmost portion of the building setback 8 metres from Bonnyrigg Avenue and 8-9 metres from the northern boundary;
- A mezzanine office area at the southern elevation at RL 53.75;
- A bagged goods canopy along the southern elevation providing a semi-permeable presentation to this frontage; and
- An outdoor nursery to the south-east of the main building with shade sales over and a semi-permeable steel mesh presenting to the east and south.

3.2.5 Signage

Two free standing signs are proposed and several painted wall signs being the Bunnings logo and name will be used on the main warehouse.

The free standing pylon signs will be located at the corner of Elizabeth Drive and Bonnyrigg Avenue and at the main customer entry off Bonnyrigg Avenue. Each sign will be 12 metres high and will have dimensions of 7.2 x 4.8 metres for the upper panel and a lower area for a promotional banner of 3.8m x 1.4 metres.

The painted wall signs will be located on the north, east, south and west elevations with dimensions as follows:

- North – “*Bunnings Warehouse*” text with dimensions of 18.192m x 5.75m;
- North – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 7.2m;
- 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;
- South – “*Bunnings Warehouse*” text with dimensions of 7.9m x 2.5m;
- South – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 9.3m x 3.25m;

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- 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 7.2m.

3.2.6 Hours of Operation

The proposed hours of operation are 6am to 10pm Mondays to Fridays and 6am to 7pm Saturdays, Sundays and Public Holidays.

3.2.7 Landscaping

New landscaping is to be provided in accordance with the Landscape Plan prepared by John Lock & Associates (see **Index 9**), including the following elements:

- Retention of several Eucalyptus trees along the Bonnyrigg Avenue frontage and within the road reserve on Elizabeth Drive;
- Perimeter tree (Eucalyptus, Crepe Myrtle and Golden Elm) and shrub plantings along Bonnyrigg Avenue and Elizabeth Drive;
- An open lawn area fronting Bonnyrigg Avenue, adjacent to the main pedestrian entry;
- Native tree planting to the south-western boundary adjacent to the riparian corridor; and
- Shrub planting between the heavy vehicle driveway and the northern and western boundaries.

3.2.8 Waste Operations

The existing facility on the northern adjoining site is serviced by SITA for all waste and recycling removal and these arrangements are proposed to apply to the new development. Information relating to these services accompanies the development application for the proposed development (see **Index 10**).

Notwithstanding, it is noted that there is no discernible ‘putrescible’ waste streams generated by a Bunnings store. Waste streams are predominantly cardboard, plastics and timber pallets.

Furthermore, there is no food waste generated by the café as it serves only a limited range of pre-packaged goods (e.g. muffins, sandwiches, cakes, etc) and hot and cold drinks (e.g. tea, coffee, softdrinks, etc).

3.2.9 Vehicular Access, Parking and Loading

The proposal entails several vehicular entries/exits as follows:

- a heavy vehicle and timber trades sales access from Bonnyrigg Avenue, in the north-eastern corner of the Site. Heavy vehicles will be restricted to left-in entry only from this access and will utilise a one-way circulation path around the northern, western and southern sides of the proposed building. Timber trade sales vehicles will be permitted left-in and left-out movements from this access point;
- a heavy vehicle exit to Elizabeth Drive permitting left-out movements only; and
- a combined light vehicle entry/exit to the basement car park via a new round-a-bout off Bonnyrigg Avenue to be constructed approximately 100 metres north of the intersection with Elizabeth Drive. This will permit all entry and exit movements for light vehicles.

The basement car park provides for a total of 410 parking spaces including 4 trailer parking spaces and 10 disabled parking spaces. In addition, five motorcycle parking spaces and 20 bicycle parking spaces are provided.

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All customer loading for timber trade sales will be within the dedicated timber trade sales area, whilst heavy goods deliveries will be via the goods receiving bay in the north-western corner of the Site or nursery deliveries via the unloading area in the south-western corner of the Site.

4 Approvals, Permits and Licences

4.1 General

The proposed development requires or may be deemed to require several approvals, consents, licences, permits or permissions from various government departments, pursuant to legislation other than the EP&A Act.

This section outlines relevant other legislation including the approvals, licences and permits which may need to be sought concurrently with the subject DA. This outline is structured under headings relating to the responsible Government departments and approval authorities.

4.2 NSW Department of Premier and Cabinet (DPC) – Office of Environment and Heritage (OEH)

4.2.1 Threatened Species Conservation Act 1995 (TSC Act)

The TSC Act contains provisions requiring the identification of any vulnerable, endangered or critically endangered flora or fauna species, populations or ecological communities associated with a proposed development site.

Section 91 of the TSC Act requires a licence to be issued by OEH before any action may take place which may harm or damage a threatened species, population or ecological community although this does not trigger the Integrated Approval provisions of the EP&A Act. Furthermore, if a proposal is considered to have a significant impact, the Act requires a Species Impact Statement (SIS) to be prepared and that appropriate recovery and management strategies be implemented.

The Flora and Fauna Assessment report prepared by Abel Ecology (see **Index 9**) indicates that the Site does not contain any threatened species although the vegetation to the west of the Site does contain Class 2 regenerating Cumberland Plain Woodland. Notwithstanding, the proposal will not result in any adverse impact on this vegetation and no further assessment is required.

4.3 Department of Primary Industries – NSW Office of Water

4.3.1 Water Management Act 2000 (WMA)

The object of the WM Act is the *"sustainable and integrated management of the State's water for the benefit of both present and future generations"*. The WM Act includes many provisions which were previously under the *Rivers and Foreshores Improvement Act 1948* (RFI Act) prior to its repeal, including those provisions regarding licences and approvals.

Part 3 of Chapter 3 of the WM Act relates to Approvals and section 91(2) requires a 'controlled activity approval' for works at a specified location in, on or under 'waterfront land'. The requirement for an approval of this nature triggers the integrated approval provisions of the EP&A Act. 'Controlled activity' and 'waterfront land' are defined by the WM Act as follows:

"controlled activity means:

- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.*

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waterfront land means:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land."

Part of the Site is approximately 40 metres from Henty Creek, a tributary of Clear Paddock Creek. Technically, each of these creeks is deemed to be a 'river' for the purposes of the WM Act and as the proposal includes works within 40 metres of the alignment of these watercourses, a controlled activity approval may be required.

The Flora and Fauna Assessment report of Abel Ecology (see **Index 9**) indicates that the proposal is unlikely to have any impact on this corridor so long as appropriate stormwater management measures are applied and the Stormwater Assessment undertaken by C&M Consulting Engineers (see **Index 6**) describes a number of measures to control the quantity and quality of stormwater from the proposal.

4.3.2 Water Act 1912

Part 5 of the *Water Act 1912* requires a licence to be obtained for the commencement, enlargement, deepening or alteration of any existing bore. For the purposes of Part 5, a bore means:

"... any bore or well or any excavation or other work connected or proposed to be connected with sources of sub-surface water and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised either wholly or at times by pumping or other artificial means..."

The proposed development will involve minor and isolated excavation on the Site for building footings and the Geotechnical Investigation by JK Geotechnics (see **Index 8**) indicates that excavation is unlikely to intersect sub-surface (i.e. groundwater). Accordingly, a licence under Part 5 is not required.

4.4 NSW Department of Attorney General and Justice (DAGJ) - NSW Rural Fire Service (RFS)

4.4.1 Rural Fires Act 1997 (RF Act)

Section 100B of the RF Act, in conjunction with section 79BA of the EP&A Act, requires a 'bushfire safety authority' to be issued by the Commissioner of the NSW Rural Fire Service, for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes or for development of bushfire prone land for a 'special fire protection purpose'.

A 'bushfire safety authority' authorises development to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by

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the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bushfire.

Whilst the Site is not identified as being Bushfire Prone Land and the proposal does not trigger the requirement for a bushfire safety authority, a significant stand of trees exists along the western boundary the Site and accordingly, the proposal was assessed by Abel Ecology in respect of bushfire threat (see **Index 9**). Their assessment concluded that the vegetation to the west does not pose a threat to the proposed development and development to the north, east and south is deemed to be fuel-free for the purposes of a bushfire threat assessment.

4.5 Transport NSW (NSW Roads and Maritime Services)

4.5.1 Roads Act 1993

Section 91(1) of the EP&A Act provides that development is integrated development if it requires consent under section 138(1) of the *Roads Act 1993* to:

- "(a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road".*

Elizabeth Drive is public road and the proposal includes works to this road including minor widening to provide for a new ingress to the Site.

Accordingly, the proposed works trigger the integrated development provisions of the EP&A Act and an assessment in regard to traffic impacts has been undertaken by TTPA and is discussed in Section 5.2.6 of this SEE (see also **Appendix 5**).

Whilst the proposal also involves works within Bonnyrigg Avenue (i.e. a roundabout) this road is controlled by Council and does not trigger the integrated development provisions of the EP&A Act.

5 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

The key environmental planning issues associated with the proposed development are:

- Compliance with relevant planning policies and controls
- Flooding, Stormwater and Drainage;
- Flora and Fauna;
- Built Form; and
- Traffic and Parking.

An assessment of these issues is provided in the following subsections.

5.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with Section 79C(1)(a) of the EP&A Act.

5.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of any rezoning proposals for land or as part of any DA, to determine whether land is likely to be contaminated and if so, what remediation work is required.

Depending on the level of contamination, remediation may be required with the consent (Category 1) or without the consent (Category 2) of the consent authority, which in this instance would be Council.

The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation - where contamination is likely to be an issue;
- A Detailed Investigation - where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation; and
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

The Site is not identified by Council or any other government authority as being contaminated land although the Site does have a history of industrial use, fill material has been placed on the Site and there are several fuel storage tanks within Lot 1.

The Preliminary Environmental Site Assessment report prepared by EIS (see **Index 7**) indicates as follows:

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- Aerial photographs and land title records indicate that Lot 1 has been used for commercial purposes (i.e. a bus depot) since at least since the 1950s. Lot 2 appears to have been vacant.
- The bus depot section of the Site was the subject of a soil contamination investigation and associated remedial works in 2001-2002. The remedial works involved stockpiling excavated petroleum impacted soil on Lot 2;
- NSW EPA records did not indicate any notices for the site; and
- A site inspection of the bus depot undertaken by ERM in 2005 indicated the presence of a number of aboveground storage tanks (ASTs) although no signs of underground storage tanks (USTs) were observed.

Chemical analysis of soil and groundwater samples were undertaken and were all found to be less than the prevailing Health Based Site Assessment Criteria (SAC) although some minor elevations of contaminants above the ecological based SAC were detected in the soil and groundwater. In addition, asbestos cement fragments were detected in three boreholes and also in the stockpile.

Accordingly, EIS has concluded that the Site can be made suitable for the proposed development subject to the following recommendations:

- A Stage 2 ESA should be undertaken to meet the EPA recommended sampling density;
- An Asbestos Management Plan should be prepared to address the management of fibre cement fragments that may be disturbed during development;
- A Remedial Action Plan (RAP) should be prepared if the Stage 2 ESA identifies that one is required. If no RAP is required a Construction Management Plan (CMP) should be prepared so that environmental impacts on the adjacent creek are minimised;
- A Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition works;
- The stockpile located in the south section of the site should be disposed off-site and the stockpile footprint assessed;
- Inspections during demolition and excavation work to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel.

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

The proposal includes signage in the form of two free standing pylon signs and several painted wall signs.

The free standing pylon signs will be 12 metres high and will have dimensions of 7.2 x 4.8 metres for the upper panel and a lower area for a promotional banner of 3.8m x 1.4 metres.

The painted wall signs will be located on the north, east, south and west elevations with various dimensions as described in **Section 3.2.5** of this SEE.

These signs are deemed to be "*business identification signs*" which are required to comply with the aims of clause 3(1) of SEPP 64 and the assessment criteria in Schedule 1 to the SEPP.

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An assessment of the proposed signage against these objectives and assessment criteria is provided in **Table 4**.

Table 4 Assessment under SEPP No. 64 – Advertising and Signage

Provision	Assessment
Clause 3 – Aims, Objectives	
(a) to ensure that signage (including advertising);	The character of the locality in the vicinity of the Site consists of a mixture of light industrial and business land uses with a multitude of signage.
(i) is compatible with the desired amenity and visual character of any area, and	The proposed painted wall signs will be set well back from street frontages and are of a scale which is considered suitable for the length and height of building and will not dominate the streetscape. In addition the proposed pylon signs are limited to one per frontage and are minor elements in the context of the expansive frontages and scale of building proposed.
(ii) provides effective communication in suitable locations, and	The proposed signs are simple signs providing the name of the business and the business logo.
(iii) is of high quality design and finish, and	The proposed signs will be in the corporate colours of the Proponent, which will complement the proposed building and surrounding landscaping.
(b) to regulate signage (but not content) under Part 4 of the Act	An assessment of the proposed signage in respect to Part 4 of the EP&A Act, in particular the relevant matters for consideration under Section 79C(1) is provided within this SEE.
(c) to provide time-limited consents for the display of advertisements in transport corridors, and	N/A
(d) to regulate the display of advertisements in transport corridors, and	N/A
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	N/A
Schedule 1 Criteria	
Character of the Area	<p>The character of the locality in the vicinity of the Site consists of a mixture of light industrial and business land uses with a multitude of signage.</p> <p>The proposed painted wall signs will be set well back from street frontages and are of a scale which is considered suitable for the length and height of building and will not dominate the streetscape. In addition the proposed pylon signs are limited to one per frontage and are minor elements in the context of the expansive frontages and scale of building proposed.</p> <p>The proposed signs are simple signs providing the name of the business and the business logo.</p> <p>The proposed signs will be in the corporate colours of the Proponent, which will complement the proposed building and surrounding landscaping.</p>
Special Areas	N/A
Views and Vistas	No views or vistas will be adversely affected by the proposed signage.
Streetscape, Setting or Landscape	The proposed signs are of a scale which is considered suitable for the length and height of the building and the expansive frontages and will not dominate the streetscape.
Site and Building	The extent of the signage is reasonable having regard to the scale, number and distribution on the Site.
Associated devices and logos with advertisements and advertising structures	No associated devices are proposed.

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Table 4 Assessment under SEPP No. 64 – Advertising and Signage

Provision	Assessment
Illumination	There will be minimal illumination of the signage.
Safety	The proposed signage will be located wholly within the Site and there will be no adverse public safety concerns for pedestrians, cyclists or motorists. In addition, the proposed signs will not obscure or interfere with road traffic signs and signals.

Accordingly, the proposal is considered to be consistent with the objectives of the SEPP as it is compatible with the character of the locality, provides effective communication entirely within the Site and will be of high design quality and finishes.

5.1.3 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to the Site as it fronts a Classified Road – Elizabeth Drive. Clause 101 provides 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."*

Clause 104 and Schedule 3 of ISEPP relate to traffic generating development and certain proposals trigger a requirement for referral to the RMS. The proposed development triggers this requirement due to the proposed access to a classified road (Elizabeth Drive) and with 410 car parking spaces.

Accordingly, a Traffic and Parking Impact Assessment report has been prepared by TTPA to assess the impacts of the proposed development (see Section 5.2.6 and **Index 5**) wherein it is concluded that the proposal is acceptable with regard to traffic flows and safety.

5.1.4 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (REP 2) applies to land within the Greater Sydney Metropolitan Area that forms part of the Georges River system catchment, including the Site.

The REP contains various provisions aimed at protecting the environment of the Georges River system.

Clause 7 of the REP requires that certain 'General Principles' under clause 8 and 'Specific Planning Principles' under clause 9 must be taken into consideration by a consent authority determining an application for development on land to which the REP applies as well as in the preparation of each environmental planning instrument and DCP that applies to land to which the REP applies.

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These provisions primarily relate to managing water quality and quantity, protecting flora and fauna, protecting cultural heritage and protecting riverine scenic qualities. The REP is supplemented by the *Georges River Catchment Regional Planning Strategy*.

The provisions of the REP and the Planning Strategy have been considered as part of the assessment of the proposed development as outlined within this SEE and the proposal is considered to be acceptable in regard to the relevant considerations.

5.1.5 Fairfield Local Environmental Plan 1994

LEP 1994 applies to the Site as it is within the Bonnyrigg Town Centre which, along with some other town centres in the LGA, were deferred from *Fairfield Local Environmental Plan 2013*.

Table 5 provides a summary assessment of the proposed development against the relevant provisions of the LEP.

Table 5 Assessment against Relevant Provisions of LEP 1994		
Provision	Assessment	Consistent
Clause 7 – Zoning (Permissibility) - 4(c) Special Industrial	It is considered that a Bunnings Warehouse development falls within the land uses of "Bulky goods salesroom or showroom" ¹ and "Plant nursery" ² . As neither of these land uses are prohibited within the 4(c) Zone, a Bunning Warehouse development is permissible with development consent. This is consistent with the existing Bunnings warehouse use on the neighbouring Site which was approved as a bulky goods salesroom under LEP 1994 on 12 July 1996.	Yes
Clause 8 – Objectives of the Zone a) to encourage the establishment of a broad range of light industrial and warehouse activities and a limited range of business and retail activities compatible with nearby residential areas to generate employment and contribute to the economic development of the City of Fairfield,	The proposal is for a bulky goods warehouse and plant nursery land use which is permissible in the zone. As described within this SEE, the proposed development is unlikely to have an adverse impact on surrounding residential areas and will benefit the local economy.	Yes
... (c) to allow retail development only: ... (ii) for the display and sale of bulky goods, and only if the proposed development will not detrimentally affect the viability of any nearby business centre.	The proposal constitutes bulky goods sales which is consistent with this objective.	Yes
Clause 11 Flood-liable Land Consent to the erection of a building on flood-liable land not to be granted unless relevant provisions of Council's Flood Management Policy have been taken into consideration.	A small part of the Site has been identified by Council as being flood-liable land although the proposal has been assessed to be compliant with all relevant criteria in this regard (see Section 5.3.4).	Yes

¹ *Bulky goods salesroom or showroom means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:*

(a) a large area for handling, storage or display, or
(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,
but does not include a building or place used for the sale of foodstuffs or clothing.

² *Plant nursery means a building or place used for growing and selling plants whether or not also for storing, handling and subsequent distribution of plants, landscape supplies (including earth products) or other horticultural products for wholesale or retail sale to the public.*

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Table 5 Assessment against Relevant Provisions of LEP 1994

Provision	Assessment	Consistent
Clause 12 Development in the vicinity of creeks and waterways Structures within 20 metres of the top of the bank or mean high water mark of any creek or waterway not to be erected except with the consent of the Council.	The proposal is in the vicinity of Henty Creek although the assessments in regard to stormwater, flooding and the riparian corridor have concluded that the proposal will not have an adverse impact on this creek (see Sections 5.2.1, 5.2.2 and 5.3.4).	Yes
Clause 19 Advertising (1) Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purposes of advertising on any land to which this plan applies if it is satisfied that: (a) the proposed development will be carried out for the specific purpose of directing the travelling public to buildings or places of tourist interest, (b) any advertisement resulting from the carrying out of the development will relate to a specific building or place, and (c) the dimensions and overall size of any such advertisement will not be larger than would reasonably be required so to direct the travelling public.	The proposal includes 'business identification signs' rather than 'advertising' and an assessment under SEPP 64 has been provided at (see Section 5.1.2).	Yes
Clause 25H - Bonnyrigg Town Centre (2) Objectives for the redevelopment of the Town Centre	See Sections 3.1 and 5.1.6 .	Yes
(9) Site Master plan required for sites greater than 2,000 square metres.	A Site Master Plan is provided at Section 3.1 and Index 3 .	Yes
(10) Contents of Site Master Plan.	The information at Section 3.1 and Index 3 is considered to satisfy these requirements.	Yes
(11) Consent not to be granted to development on land adjoining an arterial road that would enable vehicular access to or from the land by that road unless there is no other practicable means of vehicular access to or from the land.	The proposal involves a heavy vehicle egress to Elizabeth Drive although this is considered to be acceptable with regard to traffic flows and safety and beneficial to the Town Centre as it will distribute heavy vehicles directly into the wider network, thereby removing such traffic from the Town Centre (see Section 5.2.6).	Yes

5.1.6 Bonnyrigg Town Centre Development Control Plan No. 28

Bonnyrigg Town Centre Development Control Plan No. 28 (DCP) contains detailed provisions relating to the Town Centre.

The DCP does not specifically envisage a development of the nature proposed and accordingly, many of the DCP controls are not directly relevant to such a proposal. Notwithstanding, **Table 6** provides a summary of the key relevant provisions that are considered to be applicable to the Site and the proposal.

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Table 6 Key Relevant Provisions of DCP 28

Provision	Assessment	Consistent
3.2.1 Develop a gateway to the Town Centre at the intersection of Bonnyrigg Avenue with Elizabeth Drive	The proposal will provide a large and notable building at the southern gateway of the Town Centre which is considered to be a positive statement and one which recognises the diverse range of facilities and services available in the Town Centre, whilst providing opportunities for smaller scale development to be undertaken closer to the Town Centre core where a finer grain urban form would be more suitable.	Yes
3.2.2 Provide for the consolidation and development of Bonnyrigg as a centre for local retailing, commercial, community, cultural, and entertainment uses and even small scale commercial uses.	The proposal will provide for a continuing bulky goods retail hardware and plant nursery land use in the Town Centre, thereby continuing the positive economic and social inputs to the locality arising from a Bunnings in this locality.	Yes
3.2.4 Height Limit - 6 storeys over Lot 1 - 4 storeys over the eastern portion of Lot 2 - 2 storeys over the western portion of Lot 2	The proposal has a maximum height of 15 metres which generally equates to 4-5 storeys, which is considered to be generally consistent with the intended outcome of the DCP	Yes
3.2.5 Envisages a new local street entering the Site from Bonnyrigg Avenue, traversing through the northern boundary and re-joining Bonnyrigg Avenue to the north.	The proposal is not of a form strictly envisaged by the DCP even though it is permissible under the LEP. Notwithstanding, the proposal provides for a through-site heavy vehicle access that will disperse heavy vehicles more directly into the surrounding arterial road network.	Not strictly applicable to this form of development
3.2.7 Envisages a pedestrian and cycle connection between Bonnyrigg Avenue and the riparian corridor in the general vicinity of the Site's northern boundary.	The proposal does not preclude future connections through the northern adjoining land although it is noted that this provision does not accord with the LEP which aims to minimise any potential impact on the natural environment by locating primary pedestrian pathways away from the vegetated riparian corridor along either side of Clear Paddock Creek and away from areas of remnant native vegetation.	Yes
5.1.1 Building Location Zone - Building Depth not to exceed 18 metres - Impervious areas not to exceed 60% of total site	These controls are envisaged for a building typology distinctly different from that proposed. Notwithstanding, the proposal provides for a significant quantum of soft landscaping for a bulky goods warehouse and plant nursery land use and is considered to be an improvement from the existing facility to the north.	Not strictly applicable to this form of development
5.1.2 Building Heights - 6 storeys = 23 metres - 4 storeys – 15.5 metres	The proposal is essentially two storeys including the undercroft parking and has a maximum height of 15 metres which is considered to comply with the height requirements of the DCP.	Yes
5.1.3 Setbacks - Front and side – build to boundary - Rear – Various	The suggested DCP setbacks have been constructed for a building typology distinctly different from that proposed and are not considered directly applicable to the proposal. Notwithstanding, the proposal provides for a balance between providing a built edge to the frontages to provide for a gateway structure whilst providing a landscaped setting.	Not strictly applicable to this form of development

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Table 6 Key Relevant Provisions of DCP 28

Provision	Assessment	Consistent
5.2.3 Landscape Design	The proposed landscaping is outlined in Section 3.2.7 and on the Landscape Plans at Index 9 . This includes retention of some existing native trees and supplementing this with other native species to tie the Site in with the adjoining riparian corridor.	Yes
5.3 Site Access and Parking	See Section 5.2.6 and Index 5 .	Yes
5.4.5 Stormwater Management	See Section 5.2.2 and Index 6 .	Yes
5.4.8 Waste Management	See Section 5.2.7 and Index 11 .	Yes
5.5 Building Design Objectives - To promote high quality architectural design; - To ensure building design reflects the cultural distinctness of the of the local culture, and; - To ensure building design reinforces the character of the street.	The proposed building is considered to be of high quality design and materials that will enable a positive presentation to the public domain, especially the Elizabeth Drive and Bonnyrigg Avenue frontages, thereby providing for a gateway building to the Town Centre.	Yes

5.1.7 Fairfield City Wide Development Control Plan 2013

The Fairfield City Wide Development Control Plan 2013 (DCP 2013) supplements the provisions of DCP 28 and key provisions are assessed within this SEE as outlined in **Table 7**.

Table 7 Key Relevant Provisions of DCP 2013

Provision	Assessment	Consistent
Chapter 3.2 Preservation of trees or vegetation	See Section 5.2.1	Yes
Chapter 3.3 Biodiversity corridors	See Section 5.2.1	Yes
Chapter 3.4 Riparian corridors and waterways	See Section 5.2.1	Yes
Chapters 3.5 and 11 Flood Risk Assessment	See Section 5.3.4	Yes
Chapter 3.6 Land Contamination	See Section 5.3.3	Yes
Chapter 3.8 Acid Sulfate Soils	See Section 5.3.3	Yes
Chapter 3.9 Bushfire	See Section 5.3.5	Yes
Chapter 3.11 Erosion and Sedimentation Control	See Section 5.2.2	Yes
Chapter 12 Car Parking, Vehicle and Access Management	See Section 5.2.6	Yes

5.1.8 AS 2601 – Demolition of Structures

Clause 92 of the EP&A Regulation designates *AS 2601-1991: The Demolition of Structures* as a prescribed matter for consideration in the determination of a DA.

All demolition work will be carried out in accordance with AS 2601. Further details on demolition practices, identification and management of hazardous substances and recycling of materials will be provided in the form of a Work Plan and a Hazardous Substances Audit and Management Plan in accordance with AS 2601, to be submitted prior to works commencing on-site.

5.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with Section 79C(1)(b) of the EP&A Act.

5.2.1 Flora and Fauna

The Section 149 Planning Certificates for the Site indicate that it may contain or be in close proximity to an area possibly containing Sydney Coastal River-Flat Forest (Alluvial Woodland) which is an Endangered Ecological Community (EEC) listed under the TSC Act.

The Flora and Fauna Assessment report prepared by Abel Ecology (see **Index 9**) indicates that although the vegetation to the west of the Site does contain Class 2 regenerating Cumberland Plain Woodland, this will not be directly impacted by the proposal and that stormwater management measures should ensure that water quality run-off is maintained at equal to or better than existing conditions.

Furthermore, the vegetation within the Site is not categorised as remnant vegetation or of any other particular significance. Notwithstanding, several Eucalyptus trees along the Bonnyrigg Avenue frontage and within the road reserve on Elizabeth Drive will be retained.

5.2.2 Water Quantity and Quality

Part of the Site is approximately 40 metres from Henty Creek, a tributary of Clear Paddock Creek, and accordingly, the proposed development is Integrated Development and may therefore require a controlled activity approval under the WM Act.

As indicated above, the assessment of Abel Ecology is that the proposal is unlikely to have any impact on this corridor so long as appropriate stormwater management measures are applied. The Stormwater Assessment undertaken by C&M Consulting Engineers (see **Index 6**) describes a number of measures to control the quantity and quality of stormwater from the proposal, including:

- A pipe network system to collect minor storm runoff from surface areas which will minimise nuisance flooding;
- On-Site Detention will be provided for the development in the form of a 510m³ detention tank with orifice and weir control; and
- A rainwater harvesting and retention system to allow rainwater reuse while at the same time providing improvement to the quality of stormwater runoff from the site and also providing some level of stormwater detention.

Accordingly, the proposal is considered acceptable with regard to stormwater impacts.

5.2.3 Existing and/or Future Character

The existing character of the Town Centre is one of a wide variety of land uses including light industry, a hardware and building supplies store, retail, commercial, educational, residential, recreational, open space, transport and community uses.

The proposal is consistent with this existing character as it merely relocates the existing bulky goods retail hardware land use from the northern adjoining property to the Site. This will result in replacement of the bus depot, which is considered to be one of the less desirable land uses in the Town Centre and one which is only permitted on the Site.

Council's LEP and DCP envisage a more urban form of development in the future and it is considered that, whilst it does not entail the mixed residential/retail/commercial building form referred to in the DCP for the Site, the proposed development is a kind that is an essential part of urban areas in Sydney and particularly within or on the edge of urban centres. This is because it is a land use that supports residential, retail and commercial

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development by providing goods and services required by those land uses as well as providing local employment opportunities.

As discussed within this report, the proposed land use is expressly permissible on the Site and the design of the proposed building has attempted to incorporate some of the higher order components of Council's DCP with regard to built form. This includes a gateway presentation to Elizabeth Drive and Bonnyrigg Avenue, with the harsher building elevations screened by the semi-permeable nursery and bagged good enclosures and significant perimeter landscaping (see **Figure 3**). Accordingly, the proposal is considered to strike a balance between the existing and desired future character of the locality.



Figure 3 Presentation of the proposed development to the Town Centre gateway at Elizabeth Drive
(Source: Landscape Plans prepared by JLA).

5.2.4 Noise

An Acoustic Impact Assessment report has prepared by Wilkinson Murray (see **Index 10**) to assess the likely noise impacts of the proposed bulky goods warehouse and plant nursery land use in terms of operational plant and machinery and traffic noise on surrounding sensitive receivers including nearby dwellings fronting Elizabeth Drive and Bonnyrigg Avenue and the Cambodian Temple on Bonnyrigg Avenue. The following summarises the conclusions of that acoustic assessment:

- Noise modelling assumed that the store roof plant and dock areas are operational during all trading hours – i.e. between 6.00am and 10.00pm. The predicted noise levels comply with the noise criteria at all receivers and in all periods;
- Delivery vehicles are to arrive after 7.00am and represent the worst-case noise emission although noise levels are predicted to comply at all receivers;
- In the case of sleep disturbance, maximum noise levels associated with the forklifts in the dock area combined with carpark noises were modelled for the period between 6.00am to 7.00am and were predicted to comply at all residences;
- Existing road traffic noise at the noise monitoring locations are typically 60-65dBA during the daytime and exceed the base noise goal;
- The change in traffic noise levels on Elizabeth Drive is negligible and no impact is predicted;
- The change in traffic noise on Bonnyrigg Avenue is up to 0.5dBA at residences between the Bunnings access point and Elizabeth Drive. This increase is not noticeable and no adverse impact is predicted. The change to residents north of Bunnings on Bonnyrigg Avenue will be even lower.
- The change in noise level on Tarlington Parade is predicted to be insignificant on weekdays, and up to 0.8dBA for the peak hours on weekends. As noted by the *NSW Road Noise Policy*, a change of 2dBA is considered barely perceptible and the predicted change of less than 1dBA is considered a negligible impact.

Accordingly, the proposal will not result in an adverse acoustic impact on sensitive receivers in the vicinity of the Site.

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5.2.5 Views

The Site is a transitional site between the core town centre uses to the north and residential, drainage and recreational uses to the east, south and west.

The primary view corridors within the Town Centre are considered to be as identified in the DCP, being across the core of the Town Centre between the religious temples, connecting the community uses on either side of the creek and Transit Way. These view corridors will be maintained by relocating the larger building mass of a bulky goods warehouse and plant nursery land use to the southern end of the Town Centre Precinct.

Accordingly, the proposal is considered acceptable with regard to views and outlook.

5.2.6 Traffic and Parking

The traffic impacts, access, servicing and parking arrangements for the proposed development have been assessed by TTPA in their Traffic and Parking Impact Assessment (see **Index 5**). The following summarises that assessment:

Traffic

- The intersections of Elizabeth Drive/Bonnyrigg Avenue and Bonnyrigg Avenue/Tarlington Parade both currently operate at Level of Service (LoS) A;
- TTPA has developed comprehensive data and assessment in relation to Bunnings for peak "trend line" traffic generation rates for Thursday/Friday and Saturday peaks;
- A passing trade factor of 27% on Thursday/Friday and 28% on Saturday is used for modelling purposes; and
- The potential implications of the traffic outcome for the Elizabeth Drive/Bonnyrigg Avenue intersection, Bonnyrigg Avenue/Tarlington Drive intersection and the newly proposed Bonnyrigg Avenue/Light Vehicle Access have been assessed with SIDRA and the results indicate that all will operate at LoS A.

Access

- The proposed roundabout on Bonnyrigg Avenue will be a "single lane" circulating roadway that will accommodate the movement of articulated vehicles and will be located well away from any traffic influence of the Elizabeth Drive or Tarlington Parade intersections;
- Bonnyrigg Avenue at the location of the proposed access driveways is straight and relatively level and there will be satisfactory sight distances available at the driveways which will have design provision compliant with AS2890.1 and 2; and
- Elizabeth Drive at the egress only driveway for delivery vehicles is straight and level with a control median island which will restrict egress movements to left turn only. The provision of this access driveway has been discussed with RMS and agreement in principle provided. There are regular gaps provided in the eastbound traffic flow in Elizabeth Drive by the operation of the traffic signals at intersections to the west (e.g. Smithfield Road). The movement of Bunnings delivery vehicles is relatively infrequent and the circumstances will enable the vehicles to exit without difficulty or delay and without presenting any adverse safety implications.

Servicing

- There will be separate internal circulation systems for cars and trucks with delivery vehicles ingressing via a driveway on Bonnyrigg Avenue and egressing to Elizabeth Drive; and
- The design provisions for service vehicles will accord with the AS2890.2 criteria and a turning path assessment has been provided in the Traffic and Parking Report.

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Car Parking

- Car Parking has been provided based on detailed analysis of the demands of other Bunnings stores and exceeds Council's requirement of 1 space per 50m² GFA, being equivalent to 1 space per 38m²; and
- All access and car parking arrangements are capable of compliance with prevailing Australian Standards.

Accordingly, the proposed development is considered to be acceptable with regard to traffic impacts, access, servicing and car parking arrangements.

5.2.7 Waste Management

Bunnings has a standard servicing agreement with SITA for all waste and recycling removal from their hardware and building supplies stores and these arrangements are proposed to apply to the new development. Information relating to these services accompanies the development application for the proposed development (see **Index 10**).

5.2.8 Employment

The proposal is for a slightly larger and more modern store than the existing facility on the northern adjoining site. Accordingly, existing staff will relocate to the new store upon commencement and additional job opportunities for the local and wider community will become available. In addition the proposal will generate short term construction jobs, some of which may be filled by local community members.

5.3 Suitability of the Site for Development

The following subsections assess the suitability of the Site in accordance with Section 79C(1)(c) of the EP&A Act.

5.3.1 Location

The Site is ideally suited for the proposed development as a bulky goods warehouse and plant nursery land use already exists on the adjoining Site and will be replaced by this proposal.

In addition, the Site has excellent access to the sub-arterial and arterial road network thereby allowing traffic to be distributed quickly into that network without having to use residential streets.

Whilst the land is subject to contamination and flooding, these constraints are readily manageable as outlined within this SEE and the various specialist reports which accompany the DA.

5.3.2 Land Stability

The Site is not identified as being within a Mine Subsidence District or as being subject to landslip or potential landslip and the topography is reasonably flat albeit that the Site has been artificially elevated above natural ground level and is supported along its western boundary by a retaining structure.

The Geotechnical Investigation report prepared by JK Geotechnics (see **Index 8**) has assessed the Site and the proposed development and their assessment can be summarised as follows:

- Boreholes disclosed significantly variable subsurface conditions comprising fill and residual clays grading into shale bedrock at depths in the range of 1.8m-4.6m. The depth variations of the fill are in the range of 0.35m to 3m;
- Existing fill material is considered to be 'uncontrolled' fill and accordingly, the site is considered to be Class P ('problem') in accordance with AS2870-2011;

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- The fill is deemed unsuitable as a bearing stratum for warehouse footings and trading floor slab and is not recommended for use as a bearing stratum for slabs and footings;
- The proposal is to suspend the entire trading floor slab and the warehouse structure, as well as the service roadway, on piled footings taken down to a competent foundation stratum. This methodology is supported and the most competent foundation stratum at the site is the bedrock;
- The fill (together with the cover of existing thick concrete pavement) may be used to support the proposed undercroft customer parking pavement if the traffic loads on the new undercroft pavement are equal or less than the current bus depot usage.
- Where fill is removed and/or replaced with controlled, engineered fill then the site can be upgraded to Class 'H1' due to the moderate reactivity of the underlying residual clay;
- Residual clays beneath the fill at the site were determined to have very low soaked CBR (1%) and hence, this clay subgrade is considered to be "poor" subgrade for pavements and slabs and the use of thick pavements and/or treating of the subgrade with lime would be required;
- Additional loads greater than currently being exerted should not be imposed on existing gabion retaining walls.

The report provides recommendations for further geotechnical assessment and preliminary engineering specifications for engineered fill, pavement design, building footings and retaining structures that can be required via conditions of development consents if necessary.

5.3.3 Acid Sulfate Soils, Contamination and Groundwater

The Site is not identified in LEP 1994 as being subject to Acid Sulfate Soils (ASS) or Salinity and the Preliminary Environmental Site Assessment prepared by EIS (see **Index 7**) indicates that they are unlikely to pose an issue for the proposed development.

The Preliminary Environmental Site Assessment prepared by EIS (see **Index 7**) has assessed the contamination and groundwater within the Site and has provided recommendations for further assessment and management of contamination during the construction process (see assessment at Section 5.1.1).

5.3.4 Flooding

The Section 149 Planning Certificates for the Site indicate that the Site is within the Floodplain and is identified as being partly within a Low Flood Risk Precinct (i.e. above the 100-Year Flood Event Level) for Mainstream Flooding.

Accordingly, a Flood Impact Assessment has been prepared by Cardno (see **Index 6**) which indicates as follows:

- The proposed level of the Warehouse Level 1 is 49.2 m AHD, which is 8.36 m above the 100 year ARI flood level at Elizabeth Drive of 40.84 m AHD and provides far greater than the required 500 mm freeboard above the 100 year ARI flood level;
- The proposed level of the undercroft car parking is 45.3 m AHD, which is 4.46 m above the 100 year ARI flood level at Elizabeth Drive of 40.84 m AHD and provides far greater than the required 500 mm freeboard above the 100 year ARI flood level;
- The proposed level of the undercroft car parking is 45.3 m AHD, which is 2.08 m above the PMF level at Elizabeth Drive of 43.22 m AHD;
- Flood compatible building components will be used;

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1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg

- There would be a negligible loss of flood storage as a result of the proposed development due to the existing site levels;
- The proposed development has nil impact on 20 year ARI, 100 year ARI flood levels and velocities and a negligible impact on PMF levels and velocities;
- The proposed driveway entries from Bonnyrigg Avenue and Elizabeth Drive are above the 100 year ARI flood level;
- Pedestrians and vehicles can access the site from either Elizabeth Drive or Bonnyrigg Avenue as the floor levels and access points are above the relevant flood planning levels;
- Materials stored on the Site would not be impacted by any flood up to the PMF.

Accordingly, the proposal is considered to be satisfactory with regard to flood impacts.

5.3.5 Bushfire Hazard

The land is not identified as being Bushfire Prone Land. Notwithstanding, given the proximity of a significant stand of trees along the western boundary the Site was assessed by Abel Ecology in this respect (see **Index 9**). Their assessment concluded that the vegetation to the west does not pose a threat to the proposed development and development to the north, east and south is deemed to be fuel-free for the purposes of a bushfire threat assessment.

5.3.6 Essential Services and Infrastructure

The Site has ready access to all essential services and infrastructure including water, sewer, electricity and telecommunications. Furthermore, any augmentation of these services can readily be accommodated within the design of the proposed development.

5.4 Public Interest

In accordance with Section 79C(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest as it will revitalise this section of the Town Centre which is currently occupied by a sterile use being a bus depot.

The proposal will provide for a gateway building to the southern entry to the Town Centre and create local employment opportunities and provides goods and services to the local and wider communities.

In addition, the proposal is considered to be acceptable with regard to natural environment and built environment impacts and accordingly, is considered to be in the public interest.

6 Conclusion

The proposed development for a bulky goods (hardware and building supplies) warehouse and plant nursery development at 1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

The proposal is permissible with development consent in the 4(c) Special Industrial Zone under Fairfield LEP 1994 and is considered to be consistent with the objectives of that zone and other relevant provisions of the LEP.

In accordance with subclause 25H(9) of the LEP, which requires the preparation of a DCP, the proposed development has been lodged as a Staged DA pursuant to Part 4 Division 2A of the EP&A Act as subsection 83C(2) of the EP&A Act provides that if an EPI requires the preparation of a DCP, that obligation may be satisfied by the making and approval of a staged DA in respect of that land.

The proposal has been assessed against the relevant provisions of SEPP 55, SEPP 64, ISEPP and Greater Metropolitan REP 2 and is considered to satisfactorily respond to these instruments, subject to various recommendations set out within this SEE and accompanying consultants studies and reports.

The proposal has also been assessed against the relevant provisions of the Bonnyrigg Town Centre DCP 28 and the Fairfield City Wide DCP 2013 and whilst many of these provisions do not strictly envisage or apply to a bulky goods retail hardware and plant nursery development, the proposal is considered to be consistent with the higher order objectives and intended future outcomes.

The proposal has been assessed in relation to its potential natural environment and built environment impacts and subject to various recommendations relating to contamination, geotechnics, stormwater and flooding, is considered unlikely to result in any significant adverse impacts.

Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the Site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is worthy of Council approval.



planning consultants

13 July 2015
Our Ref: 8899A.2KM

The General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

By Email: Mr Liam Hawke [lhawke@fairfieldcity.nsw.gov.au]

Dear Liam

Re: DA 71.1/2015 – Additional Information
1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg

We refer to Council's letter to Bunnings Properties Pty Limited (Bunnings) dated 15 May 2015, subsequent emails between Council and Mr Philip Drew of Bunnings and a meeting with Council Officers on 27 May 2015 in relation to the abovementioned Development Application.

This letter responds to Council's correspondence requesting additional information and is supplemented by amended plans and supporting documents which are referred to herein.

The following paragraphs respond to the matters raised by Council in the order that they appear in Council's letter of 15 May 2015.

1.0 Inconsistent with the objectives of the Bonnyrigg Town Centre DCP 28

As detailed in the Statement of Environmental Effects submitted with the Development Application, the proposed development falls within the land use definitions of "*bulky goods sales room or showroom*" and "*plant nursery*". Neither of these land uses are prohibited within the 4(c) Special Industrial Zone and the proposed Bunnings warehouse development is therefore permissible with development consent pursuant to Fairfield LEP 1994.

Whilst clause 25H of the LEP provides additional provisions relating to the Bonnyrigg Town Centre, the overriding zoning of the land permits the proposed development and the objectives of that zone are to provide a broad range of light industrial and warehouse activities and a limited range of business and retail activities compatible with nearby residential areas. The proposed development is not inconsistent with these objectives.

In respect of clause 25H of the LEP, the Applicant acknowledged Council's concerns in regard to the provision of a gateway building at the intersection of Elizabeth Drive and Bonnyrigg Avenue and accordingly, the proposed development has been amended to provide for a more robust and defined corner element to this intersection to respond to the objectives of the DCP. However, it must be recognised that the DCP provisions which envisage mixed residential and non-residential uses across this site cannot override the zoning of the land under LEP 1994 which permits the proposed development.

With regard to the cumulative impacts of a large bulky goods premises on this site in addition to the existing premises to the north, it is noted that all of the land within the site and the northern adjoining property is zoned to permit this form of development. As indicated at our meeting with Council officers, Bunnings has a lease in the existing premises to the north extending to

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2025 and failing the approval of the subject development, Bunnings could reasonably occupy that premises until that time. Accordingly, encouraging Bunnings to relocate to the edge of the town centre will allow the earlier redevelopment of the existing Bunnings site, which would be consistent with Council's longer term aims for a finer grain of mixed-use buildings and greater pedestrian oriented uses and permeability closer to the town centre.

With regard to the height and setback requirements of the DCP, the amended plans at **Attachment 1** seek to reinforce the building height and provide a distinct corner element to the Elizabeth Drive and Bonnyrigg Avenue intersection. Whilst the DCP's zero front setbacks to Bonnyrigg Avenue are not met in this particular instance, it is considered that it is appropriate to provide a landscaped setback which assists in promoting a boulevard-type southern entry to the town centre.

In addition, the building modulation along the Bonnyrigg Avenue frontage provides for built elements which present to the street, separated by a large courtyard-type indentation, which has the effect of breaking up the building mass. This is not dissimilar to the building form envisaged by the DCP which includes buildings built to the street frontage punctuated by internal streets (see overlays at **Attachment 1**).

With regard to clause 25H(5) of the LEP, this clause relates specifically to development for the purposes referred to in subclause 25H(3). These forms of development include multi-unit housing, residential flat buildings or two or more of the following land uses incorporated within the ground or first floors of the building:

- Business premises;
- Community facilities;
- Dwellings;
- Entertainment facilities;
- Refreshment rooms;
- Shops.

As indicated above, the proposed development is a *bulky goods salesroom or showroom and plant nursery*. Neither of these uses are referred to in clause 25H(3) and accordingly, subclause 25H(5) does not apply in this instance. Therefore, the height controls in section 5.1.4 of the Town Centre DCP are not development standards for the purposes of this particular development application and a SEPP 1 objection is not required to vary those height controls in this instance.

Notwithstanding, the Statement of Environmental Effects submitted with the Development Application discusses the proposal's consistency with the Town Centre DCP and in regard to height, notes that the proposed building is approximately 15 metres high which generally equates to a four to five storey residential or mixed residential and non-residential building. This height is generally consistent with the four to six storeys envisaged by the DCP over the majority of the site.

It is acknowledged that the western portion of Lot 2 fronting Elizabeth Drive is designated in the DCP as having a two storey height limit. In our opinion, it is more appropriate that the frontage to Elizabeth Drive, a major arterial road, have a higher building within a landscaped setting to reinforce the southern extent of the town centre. Notwithstanding, it is considered that the proposal achieves this outcome.



The amended plans and photomontage at **Attachment 1** demonstrate that the proposed development provides an appropriate gateway building at the southern extent of the town centre and also provides an opportunity for additional work such as a low block wall with town centre lettering which can be further developed with Council in due course.

With regard to future surrounding development, the proposed development includes a wide driveway along the northern boundary. This will provide a significant separation from any future development on the northern adjoining site which is consistent with Council's DCP. This large northern setback provides the visual link between Bonnyrigg Avenue and the parkland to the west that is envisaged by the DCP.

With regard to the proposed development's interface with the western boundary, the photographs at **Attachment 2** demonstrate that the site is effectively not visible from numerous vantage points with the main parklands to the west and is only partially visible through the trees when viewed from the pedestrian/cycle share-way alongside the T-Way in closer proximity to the site. Accordingly, the proposed development will not have any adverse visual impact when viewed from the parklands to the west and therefore is not inconsistent with the objectives of the Town Centre DCP in regards to the interface between the parklands and the core town centre which is further to the north of the site.

Furthermore, given the location of the creek immediately to the west of the site and the significant difference in ground levels between the site and the creek, the share-way and T-Way beyond, it is highly unlikely that there would ever be a viable pedestrian link through the site to the parklands from the southern part of Bonnyrigg Avenue. It is more appropriate that pedestrian links between Bonnyrigg Avenue and the share-way, T-Way and parklands beyond be via land further to the north of the site (being the site occupied by the existing Bunnings store) as this site is much closer to the public transport interchange and crossings over the T-Way to the core area of the parklands.

Accordingly, it is considered that the proposed development, with the amendments included as part of this submission, is permissible in the 4(c) Special Industrial zone under Fairfield LEP 1994 and is consistent with the relevant provisions of the LEP and the Bonnyrigg Town Centre DCP. Furthermore, it is considered that the proposed development will revitalise the site which is currently occupied by a bus depot and given the lack of redevelopment in the Bonnyrigg Town Centre over the course of the last 15 years since the introduction of the Town Centre DCP, provides an opportunity for active employment uses within the town centre which could provide a catalyst for other development and assist its regeneration.

2.0 Access to Elizabeth Drive

The proposed development seeks to cross a section of Lot 455 DP 81754 which is owned by the RMS to gain access to Elizabeth Drive. In pre-DA discussions with the RMS, the Applicant's traffic engineer was advised that the RMS was amenable to this proposal although the advice to Council from RMS as part of the formal DA notification process is contrary to that preliminary advice.

Notwithstanding, the Applicant has been in direct discussions with the RMS in regard to access over this land and a response from RMS is expected imminently.

Given the complexity of these negotiations, in addition to the payment of a substantial DA fee to Council for processing the DA (\$34,190) it is requested that Council continue its assessment and consideration of the development application pending the outcome of discussions with RMS.



Notwithstanding, the amended proposal includes additional landscaping along the Elizabeth Drive frontage to address Council's concerns in regard to the large impervious area which was originally proposed to that frontage. This is demonstrated on the amended plans at **Attachment 1** and the amended landscape plan at **Attachment 3**.

3.0 Potential Traffic Impacts

The proposed development has been assessed by TTPA as part of the original development application and the amended proposal does not alter that assessment.

The output from the SIDRA assessments were attached as Appendix C to the Traffic Report submitted with the DA. Notwithstanding, additional SIDRA results are enclosed at **Attachment 4** to incorporate greater design detail that is now included on the amended plans at **Attachment 1**. The SIDRA e-file is also included on the accompanying CD.

Road design distances are noted on the enclosed plans at **Attachment 4** and key features of the SIDRA outputs are as follows:

- The distance along Bonnyrigg Avenue between the stop line at Elizabeth Drive and the proposed access roundabout is 108 metres while the longest southbound queue length from the SIDRA outputs is 87.4 metres and the longest northbound queue length is 15.5 metres;
- The distance along Bonnyrigg Avenue between the Tarlington Parade roundabout and the proposed access roundabout is 89 metres while the longest southbound queue is 27.5 metres and the longest northbound queue is 28.8 metres; and
- The distance between the eastbound stop line on Elizabeth Drive and the proposed service vehicle egress driveway is 84 metres while the longest eastbound queue in Elizabeth Drive is 73.9 metres.

The SIDRA results demonstrate that:

1. There will be no queuing interaction or interference between the three intersections; and
2. The eastbound queue along Elizabeth Drive will not extend to the proposed service vehicle egress driveway and hence the proposal complies with the RMS stipulation; and
3. The "Level of Service" (LoS) results for each of the intersections is quite satisfactory - all being LOS A - and therefore there will not be any adverse traffic implications for Elizabeth Drive or the local road system.

Furthermore, in reality, the outcome will be better than the attached SIDRA results as the platooning of movements along Bonnyrigg Avenue created by the operation of the traffic signals at the Elizabeth Drive and Edensor Road traffic signals cannot be replicated in the SIDRA input.

4.0 Flooding

The Applicant's civil engineers have been in discussions with Council with regard to potential flood impacts. Additional flood impact assessment details are provided at **Attachment 5** to this submission. This revised study demonstrates that:

- Overland flow modelling using SOBEK estimates that the identified flowpaths on the northern and southern boundaries of the site are relatively minor in a 100 year ARI event; and
- The proposed development does not adversely impact flood behaviour on neighbouring sites as the stormwater designs by C&M Consulting Engineers manage the overland flow



into the site through the on-site detention system. Overflow across the northern driveway from Bonnyrigg Avenue is less than 0.15m deep at the crest in a 100 year ARI event and has a velocity-depth of product less than 0.4m²/s.

Accordingly, it is considered that the proposed development is acceptable with regard to potential flood impacts subject to the design amendments which are included with this submission.

5.0 Stormwater Drainage

The Applicant's civil engineers have been in discussions with Council in regard to the stormwater drainage infrastructure in the vicinity of the site. Additional details provided at **Attachment 6** to this submission demonstrate that the proposal is acceptable with regard to stormwater drainage, onsite detention and lawful points of discharge. These additional details include an email to Council's engineers confirming agreement for part of the proposed development to drain to a Council pipe within an easement across the northern extent of the site.

6.0 Contamination

The Applicant acknowledges that a more detailed site assessment will need to be undertaken and this can reasonably be included as a standard condition of development consent to be satisfied prior to issue of a Construction Certificate rather than Council's suggestion of a deferred commencement condition.

7.0 Signage

Council has indicated that the proposed pylon signs, one on the Elizabeth Drive frontage and one on the Bonnyrigg Avenue frontage, exceed Council's maximum dimensions pursuant to the Fairfield Citywide Development Control Plan 2013.

Whilst the proposed pylon signs do exceed the DCP requirements, it is considered they are appropriate having regard to the size of the development site and the scale of the building proposed and provide an acceptable visual outcome when viewed from surrounding streets. The proposed 12-metre high pylon signs are included in the photomontage at **Attachment 1**. This demonstrates that they do not dominate the streetscape given the long site frontages and the wide road carriageways.

Notwithstanding, should Council be of a view that the size of the proposed pylon signs is sufficient to warrant refusal of the development application, we request that Council address this matter through a condition of development consent rather than recommending a refusal.

Council has also requested that the Applicant address clause 19 of SEPP 64 Advertising and Signage which relates to "Advertisements". The proposed pylon signs do not constitute "Advertisements" pursuant to SEPP 64. Rather, the proposed signage is "Business Identification Signage" which is not subject to the requirements of clause 19 of SEPP 64.

The Statement of Environmental Effects submitted with the original development application included an assessment under clause 3(1) and Schedule 1 of the SEPP in relation to all proposed signage. That assessment concludes that the proposal is acceptable in this particular instance and noted that, should the site be developed for alternate uses it is likely that many smaller allotments would result and each allotment would be capable accommodating one pylon sign and other business identification sign on the buildings. Accordingly, the proposed larger consolidated site with several painted wall signs and one pylon sign per frontage is not considered to be excessive given the expansive site frontages and road carriageway widths.



8.0 Miscellaneous

Additional details in regard to spot levels of natural ground level and truck turning paths have been provided in the amended plans and supporting documentation attached to this submission.

With regard to the proposed café within the development and details of its fit-out in accordance with AS4674-2004 construction fit out of food premises, there will be no food preparation within the internal café under the proposed development. Only a limited range of pre-packaged goods (e.g. muffins, sandwiches, cakes, etc.) and hot and cold drinks (e.g. tea, coffee, soft drink, etc.) will be provided from the café.

Accordingly, there will be no need for cooking equipment, plant or machinery which would typically be associated with a café that carries out such hot and cold food preparation. It is respectfully suggested that fit-out details of the proposed café can be required prior to CC for compliance with AS4674-2004.

9.0 Outstanding Fee

The applicant has provided a cheque for the additional fees to Council.

10.0 Aboriginal Archaeology and Potential Impacts on Nearby Heritage Items

In accordance with Council's request, an Aboriginal Cultural Heritage Due Diligence assessment has been prepared by Abel Archaeology and is enclosed at **Attachment 7**. That assessment indicates that although there are two locations on the AHIMS registry, they are to the south west of the site rather than within or immediately adjacent to the site.

In addition, the report concludes that the site is highly modified, that there is a low likelihood of artefacts occurring within the site and therefore no further archaeological investigation is required prior to the commencement of works. Notwithstanding, care should be taken during construction to monitor any unexpected finds and if necessary, this can be required as a condition of development consent.

Council have also raised the issue of the potential adverse effects on the visual setting of the Wat Phrayortkeo Dhammayanaram temple due to the proposed development's *"large industrial type wall facing onto the parkland"*. As indicated earlier in this submission and as demonstrated by the photos at **Attachment 2**, the site is not visible from the main parkland to the west or from the Wat Phrayortkeo Dhammayanaram temple. Accordingly, the proposal is highly unlikely to result in any adverse impact to the visual setting of that heritage item.

Furthermore, it is noted that the setting of the temple within the park is already significantly degraded due to buildings which immediately surround the temple and nature of the interface of the temple itself with the parkland.

11.0 Conclusion and Recommendation

In accordance with Council's request, the Applicant has provided additional information and amended plans to address the concerns raised by Council in its letter of 15 May 2015.

The amended proposal is permissible with development consent in the 4(c) Special Industrial zone under Fairfield LEP 1994 and does not rely on clause 25H of the LEP for permissibility. Therefore clause 25H(5) of the LEP does not apply in this particular instance and no SEPP 1 Variation Statement is required in regard to building height.



Notwithstanding, the proposed development appropriately responds to the more detailed provisions of the Bonnyrigg Town Centre DCP by providing a well-articulated building mass to the Elizabeth Drive and Bonnyrigg Avenue frontages and a gateway feature to the southern extent of the town centre. Furthermore, the proposed landscaping and changes in building materials and colours will provide for a development which, whilst not strictly envisaged by the provisions of the DCP, is permissible and is acceptable given the large site, the extensive site frontages and the width of the surrounding carriageways.

Further details will be provided to Council with regard to the proposed access arrangements to Elizabeth Drive although it is considered that this is ultimately a matter that will be resolved and Council's assessment can continue in the intervening period.

Should Council have any queries regarding the information provided herein or the attached documentation, please do not hesitate to contact the applicant's representative Mr Phil Drew or the undersigned on 9980 6933.

Yours faithfully
DFP PLANNING PTY LTD

A handwritten signature in blue ink, appearing to read 'K. Mackay', written over a light blue horizontal line.

KENDAL MACKAY
PARTNER

kmackay@duffplanning.com.au

A handwritten signature in blue ink, appearing to read 'Phil Drew', written over a light blue horizontal line.

Reviewed: _____

- Encl.
1. Amended Architectural Plans including DCP Overlays and Photomontage
 2. Photos from parklands to the west of the Site
 3. Amended Landscape Plan
 4. Revised SIDRA Results (including e-file)
 5. Revised Flood Study
 6. Amended Stormwater Plans
 7. Archaeological Due Diligence Report



planning consultants

11 November 2015
Our Ref: 8899A.3KM

The General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

By Email: Mr Liam Hawke [lhawke@fairfieldcity.nsw.gov.au]

Dear Liam

**Re: DA 71.1/2015 – Additional Information
1-9 and 11-15 Bonnyrigg Avenue, Bonnyrigg**

We refer to Council's letter to Bunnings Properties Pty Limited (Bunnings) dated 25 September 2015, subsequent emails between Council and Bunnings and a meeting with Council Officers on 30 October 2015 in relation to the abovementioned Development Application.

This letter responds to Council's correspondence requesting additional information in the order that issues appear in Council's letter of 25 September 2015 and is supplemented by amended plans and supporting documents which are referred to herein.

1.0 Potential Traffic Impact

The proposed development has been amended to include a Seagull Island for the customer light vehicle entry/exit on Bonnyrigg Avenue (see amended plans at **Attachment 1**). This design will be subject to more detailed civil design as part of a separate Roads Act approval and Council can require this as a condition of consent.

This Seagull design has been modelled and found to be satisfactory however, TTPA recommends that should consent be granted to the DA, a condition of consent be imposed requiring a 12-month post-occupation review of this arrangement.

The SIDRA assessment has also been updated to accord with Council's comments and the outputs of this are enclosed at **Attachment 2** with the SIDRA e-file also included on the accompanying CD.

2.0 Interface along North Eastern Boundary

The proposed development has been amended to include a landscape strip (see Landscape Plans at **Attachment 3**) along the north-eastern boundary adjoining No. 21 Bonnyrigg Avenue (i.e. the existing Bunnings development). This landscaped strip ranges from 1 metre wide near the Bonnyrigg Avenue frontage to 3.5 metres wide across the rear half of the Site. This 3.5-metre wide strip actually provides for 6 metres of ground level landscaping as the driveway is cantilevered over this area. This will allow for a viable root zone and water permeation for larger trees that will assist to provide the screening requested by Council Officers.

In regard to the relationship with the northern adjoining site, we reiterate that the proposed development is permissible with development consent in this zone. Notwithstanding, we recognise that future development of the existing Bunnings site may occur in the longer term and that development may involve a mixture of land uses.

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As discussed with Council Officers at our meeting, the north-eastern adjoining site is affected by an easement for overland flow which extends 12 metres from the boundary with the Site of this proposed development. This means that no building structures are permitted within this 12-metre zone. Accordingly, in addition to the landscaping that is proposed under the amended plans enclosed, there will be a large separation to any future buildings on the adjoining site.

Furthermore, as discussed in our meeting, if mixed commercial and residential building/s were to be erected on the northern adjoining site, it is reasonable to expect that they would be oriented in a north-south direction to maximise solar access to apartments and minimise south facing units. Accordingly, adverse visual or acoustic privacy impacts from the proposed development, which would precede any residential development on that adjoining site, would be limited.

3.0 Gateway Feature

We note Council's comments about the proposed gateway signage and Council Officers comments in our meeting that further details of what is required were to be provided to the Applicant. No such details have been received from Council to date although the Applicant is prepared to accept a condition of development consent that requires the signage to be consistent with Council's "reasonable" requirements to ensure that the signage is consistent with or complementary to the signage on the opposing corner.

4.0 Landscaping along Elizabeth Drive

The amended Architectural (see **Attachment 1**) and Landscape (see **Attachment 3**) plans now provide for an increase in the width of planting to Elizabeth Drive to 5 metres where practically possible, to accord with Council's request.

5.0 Engineering Comments

Amended stormwater drainage plans have been prepared to accord with the amended site layout and to respond to Council's comments (see **Attachment 4**).

6.0 Aboriginal Archaeology and Potential Impact to nearby Heritage items

As discussed at our meeting, we are unclear why Council's Heritage Officer has required a landscaping strip to the north-western boundary and how this relates to heritage.

Accordingly, we reiterate our earlier submission and verbal advice that the proposed development will effectively not be visible from numerous public vantage points to the west and north-west due to the existing trees within the creek corridor immediately adjoining the site. We have reattached photographs previously submitted that demonstrate this (see **Attachment 5**). These adjoining trees are part of a native regeneration of remnant bushland along a tributary of the creek and are highly unlikely to ever be removed as they are part of the riparian corridor.

Furthermore, there is limited scope for large trees to be provided along the Site's north-western boundary as the proposal is premised on retaining the existing gabion wall along this boundary as well as substantially retaining existing ground levels across the Site so as to not disturb the subsurface, other than for isolated structural columns. Accordingly, there is also little scope for potential archaeological interference and a standard condition of consent can be imposed to provide for any "unexpected finds".

7.0 Food Premises

As detailed in our previous correspondence, there will be no food preparation within the internal café under the proposed development. Only a limited range of **pre-packaged** goods such as



muffins, sandwiches, wraps, cakes, tarts and hot and cold drinks (e.g. tea, coffee, soft drinks, etc.) will be provided from the café.

All pre-packaged food stuffs are prepared off-site and only heating using a microwave, toasting machine, pie-heater, etc is undertaken on-site. All hot drinks are prepared using an all-in-one style coffee/tea making machine. All cold drinks are pre-packaged and stored in a fridge.

Accordingly, there will be no need for cooking equipment, plant or machinery (e.g. exhausts, grease traps, etc) which would typically be associated with a café that carries out hot and cold food preparation using fresh ingredients.

It is respectfully suggested that fit-out details of the proposed café can be required prior to CC for compliance with AS4674-2004. This is a typical requirement for a Bunnings store and Bunnings is familiar with the requirements of councils which undertake the relevant inspections and certification.

8.0 Miscellaneous

Additional details in regard to spot levels of natural ground level have been provided on the amended plans at **Attachment 1**.

9.0 Outstanding Fee

The applicant has paid the additional fees to Council as demonstrated by the receipt at **Attachment 6**.

10.0 Conclusion and Recommendation

In accordance with Council's request, the Applicant has provided additional information and amended plans to address the concerns raised by Council in its letter of 25 September 2015.

We trust that Council Officers can will now prepare their report for determination by the Sydney West JRPP.

Should you have any queries, please do not hesitate to contact the Applicant's representative Mr Phil Drew or the undersigned on 9980 6933.

Yours faithfully
DFP PLANNING PTY LTD

**KENDAL MACKAY
PARTNER**

kmackay@dfppanning.com.au

Reviewed: _____

- Encl.
1. Amended Architectural Plans
 2. Revised SIDRA Results (including e-file)
 3. Amended Landscape Plan
 4. Amended Stormwater Plans
 5. Photos from parklands to the west of the Site
 6. Receipt for payment of fees