

BRIEFING NOTES TO THE SYDNEY EASTERN CITY PLANNING PANEL

DA201700185 – 728-750 PRINCES HIGHWAY, ST PETERS

1. Background

On 21 August 2013, the Sydney East Joint Regional Planning Panel approved an application to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse of the remainder of the existing building for two (2) levels of bulky goods tenancies with off street car parking for up to 301 cars, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the northern side (Determination No 201200528). That consent has not been acted on.

On 21 July 2015, an application was received to partially demolish the rear of the existing building, construct a new building form, and adaptively reuse the remainder of the existing building for use as a hardware and building supplies store over 2 levels with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from Princes Highway into Smith Street and the widening of Smith Street on the northern side (DA201500385).

As the application constitutes a traffic generating development as defined by State Environmental Planning Policy- Infrastructure 2007 and sought to alter traffic arrangements on a classified road being the Princes Highway, concurrence was sought from Roads and Maritime Services (RMS).

RMS raised concern in relation to the potential adverse impact on traffic flows for northbound traffic on the Princes Highway as a result of vehicles queuing to turn right into Smith Street to access the Bunnings Store and would not provide concurrence for the proposal. The application was subsequently withdrawn on 22 September 2016.

2. Site and Surrounding Details

The subject site is located on north-eastern corner of the Princes Highway and Smith Street, Tempe. The site is known as 728-750 Princes Highway and comprises of Lot 2 in Deposited Plan 803493. The site is irregular in shape and has a site area of approximately 20,400sqm.

The subject site is currently occupied by a one (1) part two (2) storey industrial building. The Princes Highway façade is listed as a heritage item within Marrickville Local Environmental Plan 2011 and is known as part of Westpac Stores Department and Penfolds Wine Cellars (former). To the rear of the Princes Highway façade is an open plan rendered brick warehouse, divided into bays with external piers and steel trusses supporting the saw toothed roof structure above.

The premises is currently being used for the warehousing of clothing with a large portion of the premises being largely vacant. The car parking area within the front setback of the site is being used for the storage of vehicles for an adjacent taxi change over base without consent.

The Smith Street elevation of the building includes the same brick façade as the Princes Highway along part of the elevation with windows at ground and first floors, with the remaining section consisting of pre-cast concrete panels. The Smith Street side setback currently contains a number of mature trees, which provide a form of green screening of the side elevation.

Vehicle access is currently provided to site via the Princes Highway and Smith Street, which leads to a rear loading dock and parking area.

The site is surrounded by various existing industrial development with low scale residential development located on the southern side of Smith Street. IKEA directly adjoins the site to the northeast.

3. The Proposed Development

The development application seeks approval to partially demolish the rear of the existing building, construct a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side.

In summary the subject application seeks consent for the following development:

- Demolition of part of the existing heritage building and retention of the existing heritage façade and office building along the front of the building facing Princes Highway, and the façade returns on the northern and southern elevations. Lighting for the retained heritage façade is proposed.
- Retention and adaptive reuse of some internal spaces and fabric within the office building including the office building entry and two level vestibule and gallery space, ground floor and first floor former office amenities areas, and the northern stairwell.
- Construction of a two level hardware and building supplies centre (Bunnings Warehouse) attached to the retained façade of office area, encompassing a two storey warehouse, covered outdoor nursery on Level 2, bagged goods store on Level 2, timber trade sales area on Level 1, café on Level 2, office, amenities, service road/ramps and loading areas at the eastern side of the warehouse.
- A single level car park is located below the warehouse containing 424 car parking spaces.
- A building materials and landscape yard is proposed within the eastern 'handle' of the site.
- Business identification signs (x 9), as well as a 12 metre high pylon sign and a roof sign.
- Road widening to provide a slip lane and a new right turn lane from the Princes Highway to the site.
- New landscaping works including reconstruction of front boundary wall.
- Proposed hours of operation are 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.

4. Planning Instruments and Controls

The following Planning Instruments and Controls apply to the proposed development:-

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD);
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
- Marrickville Local Environmental Plan 2011 (MLEP 2011);
- Marrickville Development Control Plan 2011 (MDCP 2011); and
- Marrickville Section 94/94A Contributions Plan 2014.

5. Referrals

(i) Roads and Maritime Services (RMS)

The application was referred to the RMS as the proposal constitutes a traffic generating development under Clause 104 of SEPP Infrastructure and requires concurrence in accordance with Section 138 of the Roads Act 1993. On 30 May 2017 RMS advised that they do not support the provision for traffic signals into the site from the Princes Highway but could support the provision of filtered right turns into the site along with other requirements which entailed further

traffic analysis to be undertaken. The applicant has subsequently amended the plans to reflect the RMS requirements and submitted these plans to Council on 13 October 2017.

RMS has provided correspondence on 11 December 2017 indicating the proposal is supportable subject to the imposition of conditions.

(ii) CASA/Sydney Airport

The proposal has been referred to Sydney Airport under development under Regulation 8 of the Commonwealth Airports (Protection of Airspace) Regulations 1996 and under the Civil Aviation Regulations 1988 (Buildings Control). That referral has been received with conditions of approval recommended.

(iv) Traffic

The application was referred to Council's Local Traffic Committee who have identified the following concerns:

- A lack of provision for bicycle parking and Council authorised car share parking spaces
- Lack of truck parking spaces as prescribed by MDCP 2011;
- Inadequate waste management plan identifying the proposed location of the waste pick-up area and the directional method of vehicles to collect the waste;
- Due to a proposed bicycle route to be located on the eastern side of Princes Highway within the footpath as a shared path and then continuing into Smith Street, it is recommended that a continuous concrete footpath width of 2.5m (minimum) be provided to allow a continuous shared path in Smith Street;
- The proposed road widening of Princes Highway and Smith Street with changes to the traffic signals at this intersection and additional traffic signals at the driveway crossing on Princes Highway, it is recommended that the traffic modelling be reviewed and that consideration be made for a northbound 'right turn' traffic lane on Princes Highway at the existing signalised intersection with Smith Street and that four northbound traffic lanes be maintained on Princes Highway to maintain the traffic flow along Princes Highway and to not increase any further delay with the additional traffic signals. The applicant should also implement a proposal which looks at the dedicated right turn bay into Smith Street from the Princes Highway and compensates for the loss in kerbside parking (on the western side of Princes Highway) with purchase of property/land along this section of the highway with access to Zuttion Lane. The purchase of property/land be converted into usable off-street parking area with direct access to the Princes Highway to make up for the parking loss along the Princes Highway; and
- More comprehensive traffic studies be undertaken to determine the potential impact on local residential streets e.g. Smith Street, Union Street, Foreman Street and South Street, Tempe.

Furthermore, the application was referred to Council's Transport Planner who has provided the following comments:

- The proposed shared path along the front of the site on Princes Highway is welcome at a continuous width of 3.5m (minimum 2.5m shared path with landscaping to the road side of this of 1m+); it will need to go around the relocated bus stop/shelter for which additional space will be required);
- The shared path and landscaping should continue around into Smith Street (2.5m path + 1m landscaping); pinch points along this can be avoided as the excessive space for the sweeping corner is unnecessary;
- Traffic island on Princes Highway is not recommended; pedestrian crossings should be single phase with reduced crossing widths wherever possible;

- On-street parking in Smith should be retained on the southern side;
- Consider improvements to southern side of Smith Street to mitigate against increased traffic for local residents e.g. in-road street trees, extended verges; and
- Continue shared path eastwards to South Street in light of Council's proposed cycleway along this route (and in light of additional traffic that will be utilising Smith Street).

(v) Tree Management

The application was referred to Council's Tree Management Officer who provided the following comments;

- The removal of the 7 street trees along the Princes Highway is not supported;
- The existing arborist report is not acceptable as it fails to address the minimum requirements detailed in the Marrickville Development Control Plan 2011, 2.20, appendix 1, most importantly the requirement to provide tree retention values; and
- The landscape plan is not supported as it fails to adequately compensate for the loss of existing trees and does not achieve an acceptable urban forest canopy over the site.

(vi) Heritage

The site is identified to have archaeological significance under Marrickville Local Environmental Plan 2011 and was referred to the NSW Heritage Office accordingly. That referral has been received with conditions of approval recommended.

The application was referred to Council's Consultant Heritage Advisor who provided the following comments:

- Extent of demolition of offices: The office section is very long and high, but relatively narrow compared to the proposed store at the rear. It is good that the brick return walls at each end are to be retained, however it is proposed to demolish a strip of the rear of the office envelope about 2 metres wide along its full length. This will cause the loss of considerable original fabric, and in particular of the former canteen space, which is graded as of high significance. This will increase the size of the vast new store by only a small proportion. The SOHI refers to functional requirements to support this, but the impact is nevertheless excessive.
- Massing: The new store is higher than the western façade of the offices. It is set back and recessive in colour, but still visible from the opposite footpath (see photomontage). It is at the limit of what is acceptable, and would be notably improved if the last strip of the offices were retained and the new warehouse set back a further 2 metres or so.
- Widening of Princes Highway: The low fence on the front boundary and the landscaped area between it and the front of the building is the most important part of its setting. It is long and narrow, so that the proposed widening will result in a disproportionate loss in width and adversely affect the building's setting. The proposed reconstruction of the fence and landscaping works will not sufficiently mitigate this impact.
- The large freestanding sign: The sign is extremely high and wide, and will obscure views of the façade to an unacceptable extent.

The application was also referred to the Marrickville Heritage Society who provided the following comments regarding the proposal:

"The Marrickville Heritage Society is concerned about the adverse impacts the proposed rear extension of the building will have on the appearance of the facade of the heritage listed building, and requests that the proposal in its current form be rejected. While the apparent height of the rear warehouse has been reduced from the previous 2015 scheme,

the photomontage of the current proposal for the proposed main elevation shows the new building looming behind the main facade, detracting from the existing heritage building by its height and dark coloured cladding. The loss of the original brick and wrought iron fence for a traffic slip way is also not acceptable.”

6. Issues Identified after Preliminary Assessment

It is noted that all the referrals were received prior to the submission of amended plans (dated 13 October 2017) converting the signalised right turn bay from Princes Highway into the site to an unsignalised entry.

The applicant met with Council Officers in November 2017 to discuss the matters identified and submitted amended plans and additional information on 11 December 2017 seeking to address Council's concerns.

Referrals based on the additional information submitted to Council are pending.

6. Public Submissions

The original development proposal was notified in accordance with Council's Notification Policy.

34 submissions were received in relation to the proposed development raising the following concerns:

- The excessive height, bulk and scale, overdevelopment of the site;
- Loss of heritage fabric;
- Traffic congestion and inappropriate road infrastructure available for such a large development;
- Parking pressure on Smith Street and loss of parking spaces for residents in Smith Street;
- Impact on development on vehicle movements to Union Street;
- The bus stop at the front of the site should not be relocated;
- The widening of Smith Street to create a slip lane has unacceptable impacts;
- Traffic pressure to be placed on Smith Street which includes heavy truck access for loading/unloading is unacceptable and dangerous and unsafe for families who live in the street;
- The intrusion of headlights after dark will negatively impacts residences on Smith Street;
- Homes should be compensated with glazing to mitigate increased acoustic impacts from trucks;
- There is no need for another hardware store considering the proximity of other Bunning's stores;
- The development does not provide a direct benefit to the community as indicating that it will provide 200 jobs is misleading as they plan to close their Mascot store and will inevitably just relocate existing staff rather than benefit the community;
- The social impact survey is inaccurate and many residents believe they were not contacted or the pool provided was extremely limited;
- Unacceptable impact on cycleway;
- Excessive operating hours; and
- Noise during construction.

The plans have been subsequently amended and those amended plans were notified in accordance with Council's Notification Policy.

66 submissions were received in relation to the amended development whereby much of the concerns raised have already been identified above. The following identifies new concerns raised:

- The acoustic report is dated from 2014 and is no longer current and does not account for staff operations that occur beyond the stated opening hours for customers; and
- The site would be better used as a mixed business that would reflect the needs of the local community

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