

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2017SCL027
<b>DA Number</b>	DA201700185
<b>LGA</b>	Inner West
<b>Proposed Development</b>	To partially demolish the rear of the existing building, construction of 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
<b>Street Address</b>	728-750 Princes Highway, Tempe
<b>Applicant/Owner</b>	Bunnings
<b>Date of DA lodgement</b>	21 April 2017
<b>Number of Submissions</b>	108 total
<b>Recommendation</b>	Refusal
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Capital investment value of \$44,825,000
<b>List of all relevant s4.15(1)(a) matters</b>	State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD); Marrickville Local Environmental Plan 2011 Draft Marrickville Local Environmental Plan 2011 (Amendment 4) Marrickville Local Environmental Plan 2011
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans Landscape Plans Statement of Environmental Effects
<b>Report prepared by</b>	Asher Richardson
<b>Report date</b>	18 October 2018

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**No**

File Ref: DA201700185

### **Synopsis**

This report concerns an application to partially demolish the rear of the existing building, construction of 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. The original application was notified in accordance with Council's Notification Policy and 38 submissions were received.

During the assessment process the proposal was amended to address concerns raised by Roads and Maritime Services in relation to vehicular access to the site. The amended proposal was required to be re-notified in accordance with Council's Notification Policy as the amended proposal included changes to the Princes Highway. A further 70 submissions were received.

The development has a capital investment value (CIV) of \$44,825,000. Applications with a CIV of more than \$30 million must be referred to the Sydney Eastern City Planning Panel (SECPP) to exercise its consent authority functions under Schedule 7 of State Environmental Planning Policy (State and Regional Development 2011).

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55), State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) and State Environmental Planning Policy (Infrastructure) 2007.

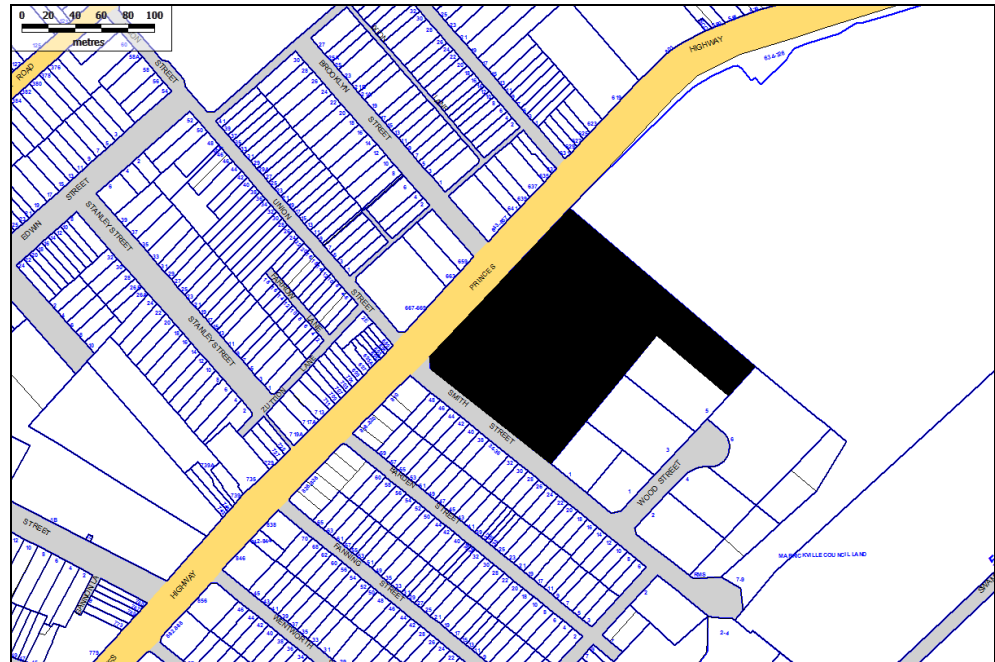
The proposal generally complies with the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). The proposal is considered to result in a form of development which is consistent with the surrounding industrial uses and is consistent with objectives of the B6 Enterprise Corridor zone.

Notwithstanding, insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development. Furthermore, insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

Having regard to the unresolved on-street parking concerns and traffic impacts, the application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

**PART A - PARTICULARS**

**Location:** Eastern corner of the intersection of Princes Highway and Smith Street, Tempe.



*Image 1: Location Map*

**D/A No:** 201700185

**Application Date:** 21 April 2017. Additional information submitted on 13 October 2017, 11 December 2017, 29 May 2018 and 31 August 2018.

**Proposal:** To partially demolish the rear of the existing building, construction of 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.

**Applicant:** Bunnings Properties Pty Ltd

**Estimated Cost:** \$44,825,000

**Zoning:** B6 Enterprise Corridor

## **PART B - THE SITE AND ITS CONTEXT**

**Improvements:** 1 part 2 storey warehouse building



*Image 2: The Site (as viewed from Princes Highway)*



*Image 3: Western corner of The Site (as viewed from Princes Highway)*





*Image 4: Northern corner of The Site (as viewed from Smith Street)*

**Current Use:** Warehouse and Distribution Centre

**Prior Determinations:** Determination No. 200900380, dated 25 November 2009, approved an application to carry out alterations to the premises and use the southern part of warehouse for the storage and distribution of printed material, such as envelopes/brochures.

Determination No. 201200528, dated 21 August 2013, granted consent (by the Sydney East Joint Regional Planning Panel) to partially demolish the rear of the existing building, construct new building form and adaptively reuse the remainder of the existing building for two levels of bulky goods tenancies with off street car parking for up to 301 cars, erect signage, subdivide the land to provide a slip lane from the Princes Highway into Smith Street and widening Smith Street on the northern side

**Environment:** The site adjoins IKEA (Bulky Goods Premises) to the north, industrial and warehousing development to the east and west and is opposite low scale residential to the south.

### **PART C - REQUIREMENTS**

1. **Zoning**  
*Is the proposal permissible under zoning provisions?* Yes
2. **Development Standards (Mandatory Requirements):**

<b>Type</b>	<b>Required</b>	<b>Proposed</b>
Floor Space Ratio (max)	0.95:1	0.877:1
3. **Departures from Council's Codes and Policies:**  
Nil

**4. Community Consultation:**

Required: Yes (newspaper advertisement, on-site notice and resident notification)  
Submissions: Original Notification 38 submissions  
Subsequent notification 70 submissions

**5. Other Requirements:**

ANEF 2033 Affectation: 25 - 30 ANEF  
Marrickville Section 94/94A Contributions Plan 2014 \$682,553.18  
Environmental Planning and Assessment Act 1979  
State Environmental Planning Policy No. 55 – Remediation of Land  
State Environmental Planning Policy No. 64 – Advertising and Signage  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD);  
Roads Act 1993

**PART D - ASSESSMENT****1. The Site and Surrounds**

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 is legally described as Lot 2 in Deposited Plan 803493. The site is irregular in shape and has a site area of approximately 20,400sqm. The site has a 150 metre frontage to Princes Highway and an 116 metre frontage to Smith Street.

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 under 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 northern portion of the ground floor level and the entire first floor level of the industrial complex is used for the warehousing of clothing with associated offices and the southern portion of the ground floor level of the industrial complex is used for the storage and distribution of printed material.

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.

**2. The Proposal**

Approval is sought to partially demolish the rear of the existing building, construction of 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.

Specifically the works include the following:

- Demolition of part of the existing heritage building and retention of the existing heritage façade and office building along the Princes Highway frontage, and the façade returns on the northern and eastern elevations, including proposed new façade lighting;
- Retention and adaptive reuse of historically significant internal spaces and fabric within the office building including the entry and two level vestibule and gallery space, ground floor and first floor former amenities areas and northern stairwell;
- Construction of a two level hardware and building supplies store, including a two storey warehouse, covered outdoor nursery, bagged goods store, timber sales area, café, office, amenities, service road/ramps and loading area;
- Construction of single level basement parking area below warehouse containing 424 car parking spaces including 4 car share spaces, 20 bicycle parking spaces and 17 motorcycle parking spaces;
- A building materials and landscape yard at ground level is proposed in the south eastern corner of the site, with car parking below;
- 11 x business identification signs including 9 flush wall signs, a 12 metre high pylon sign and a roof sign;
- Road widening to provide a slip lane and a new right turn lane from Princes Highway to the site;
- A boundary adjustment along northern and western boundaries of the site to accommodate road widening;
- New landscaping works including removal of 25 trees from the site and a new front landscaped area and retaining walls.

### Signage

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;
  - 9.3 metres (length) by 3.2 metres (height) “Hammer and position statement”;
  - 11.9 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement”;
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;
- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing “Bunnings Warehouse and hammer logo”; and
- 1 x large format roof sign “Bunnings Warehouse” and “Hammer”.

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

### Hours of Operation

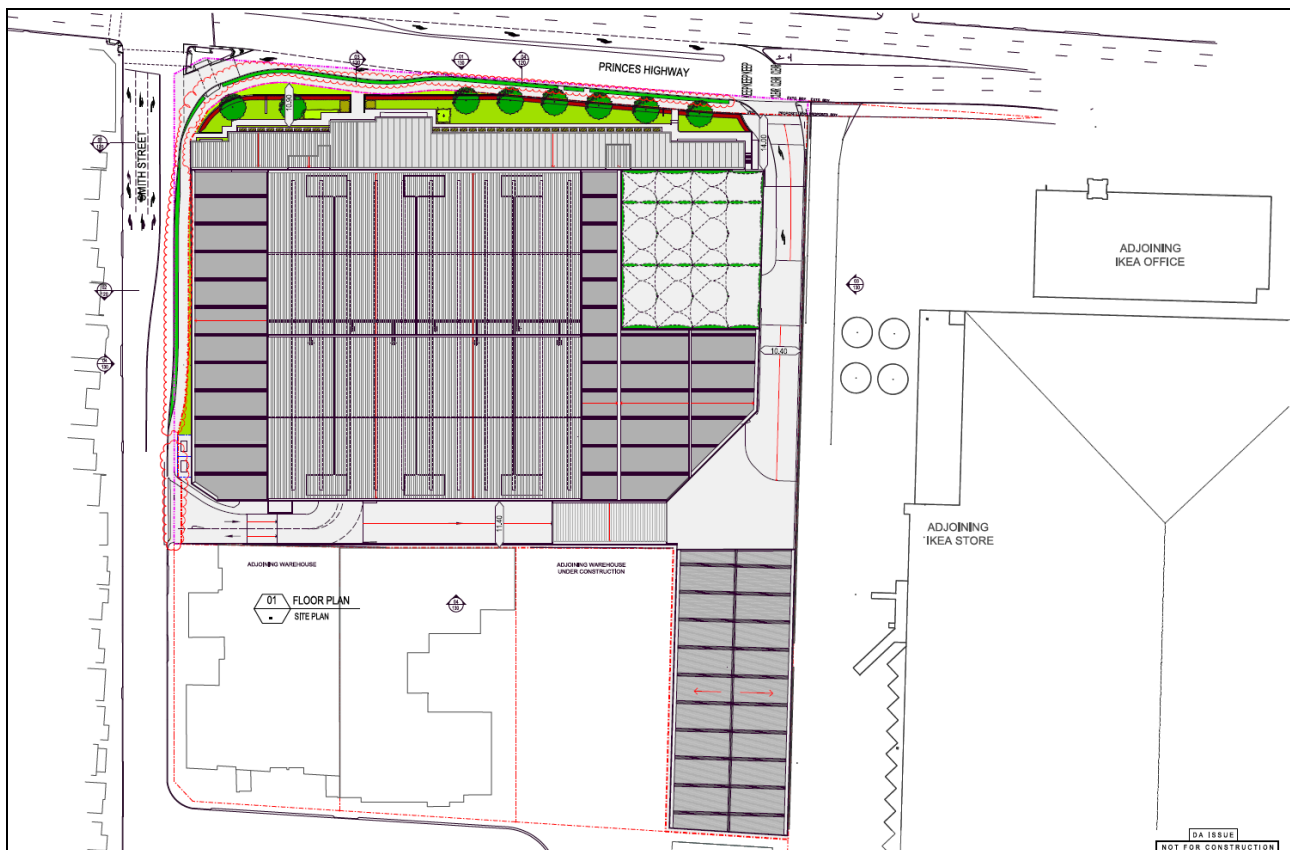
The application seeks approval to operate the development seven (7) days a week with the following trading hours:

Mondays to Fridays	6.00am to 10.00pm
Saturdays, Sundays and Public Holidays	6.00am to 7.00pm

### Staffing

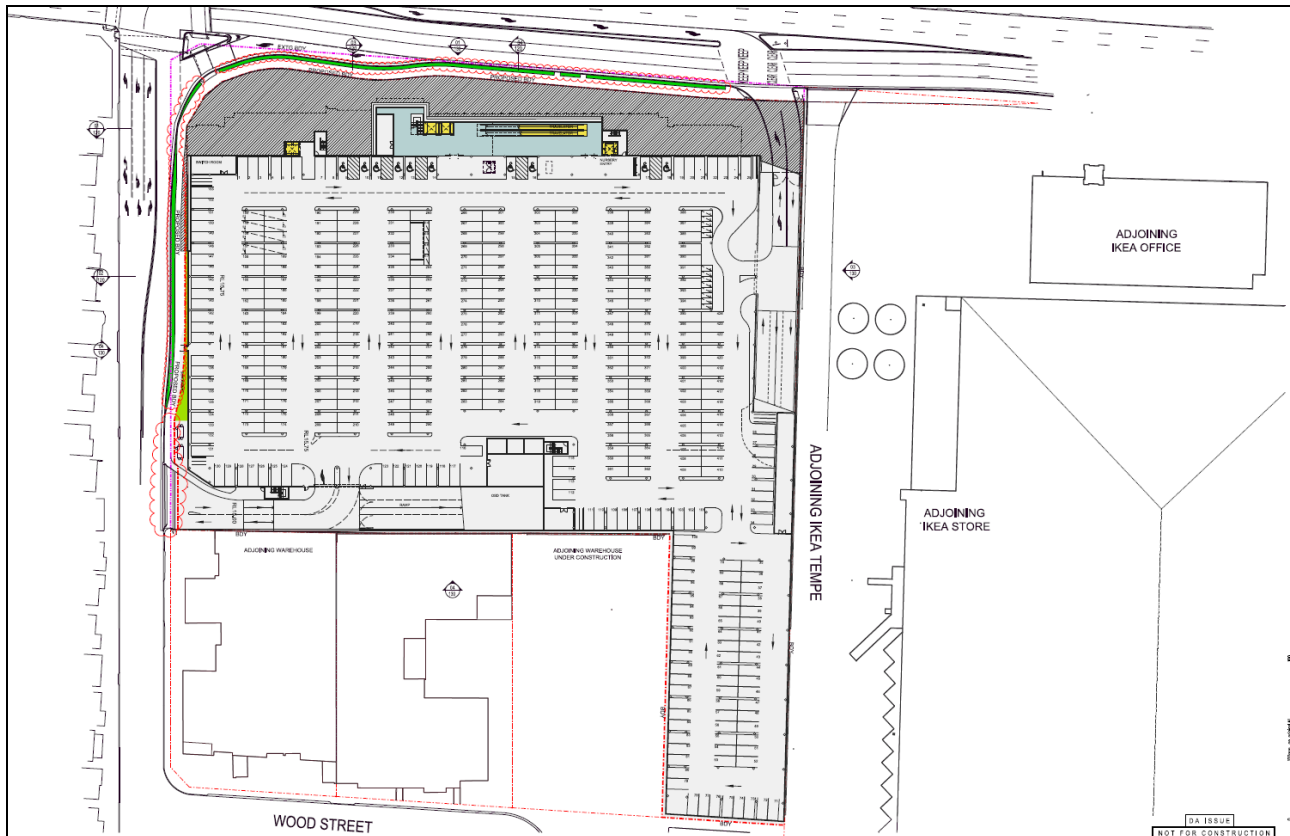
The information submitted with the application anticipates that the proposed development would employ up to 250 full time and part time/casual staff and maintenance staff.

Amended plans were provided to Council on 13 October 2017 in response to advice provided by Roads and Maritime Services and included removal of the proposed signalised right turn bay for northbound traffic into the site. An amended package was also provided to Council on 11 December 2017 containing amended architectural plans and amended landscape plans. Subsequent amended plans and documents were submitted to Council on 29 May 2018, and a final combined package was submitted on 31 August 2018. These plans are the subject of this assessment and a copy of the amended site plan, floor plans, elevations and sections of the development are reproduced below:

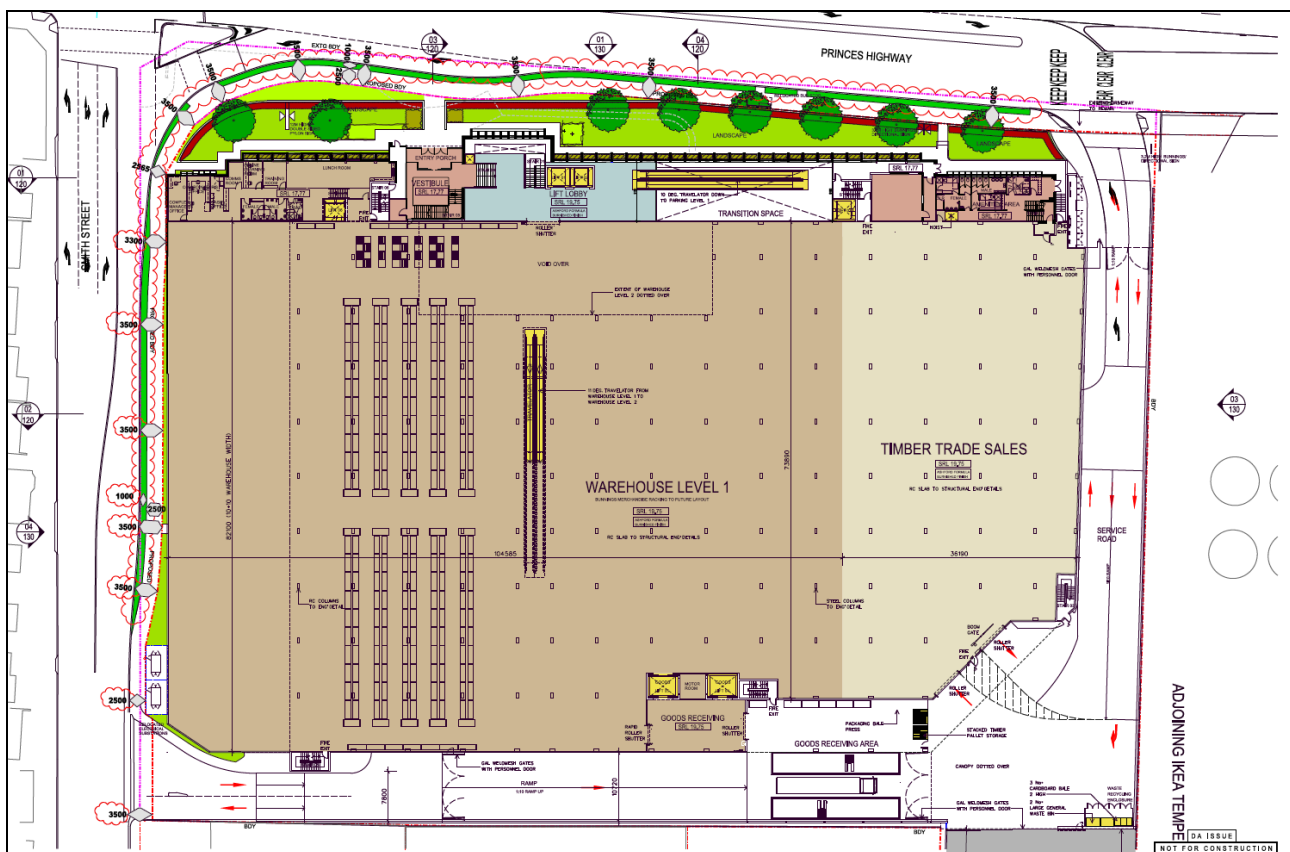


*Image 5: Site Plan*

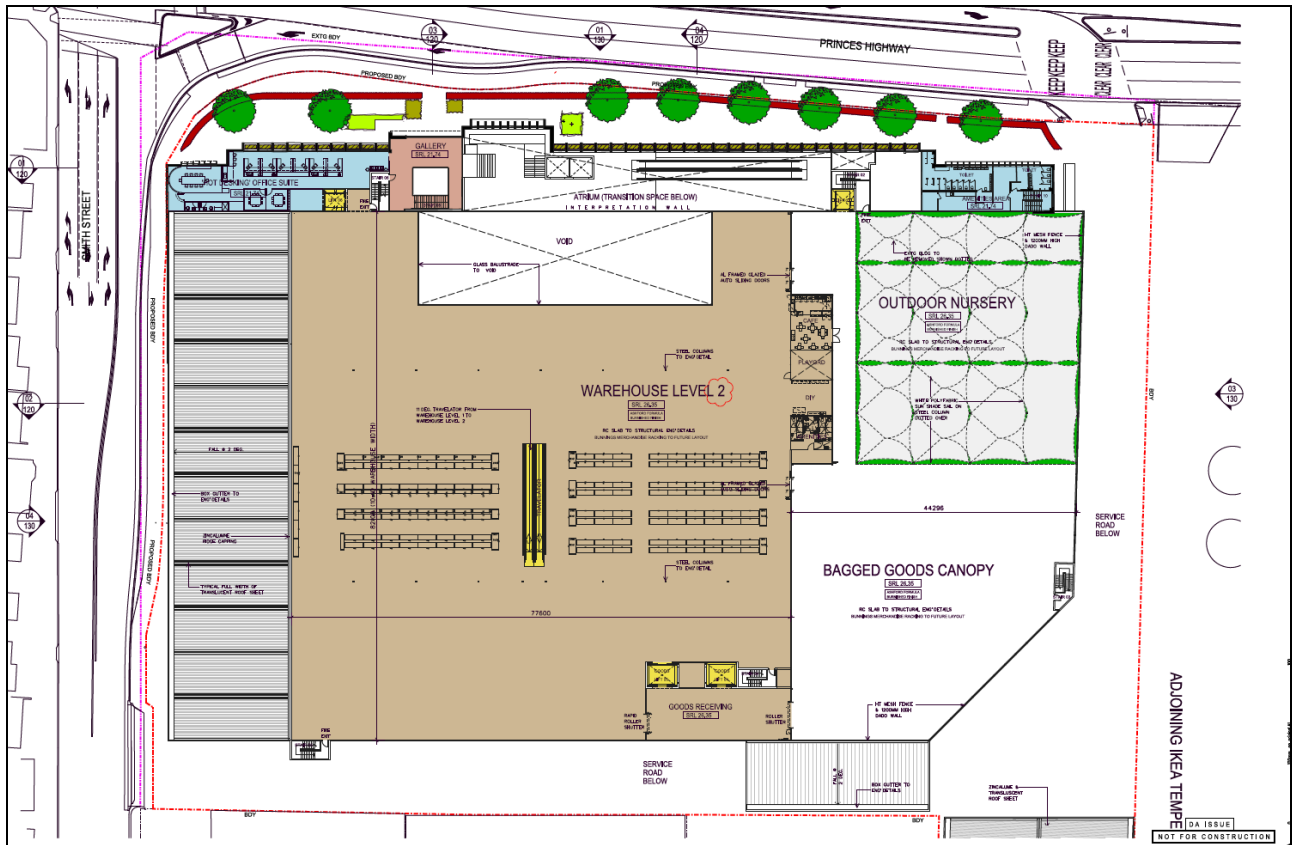




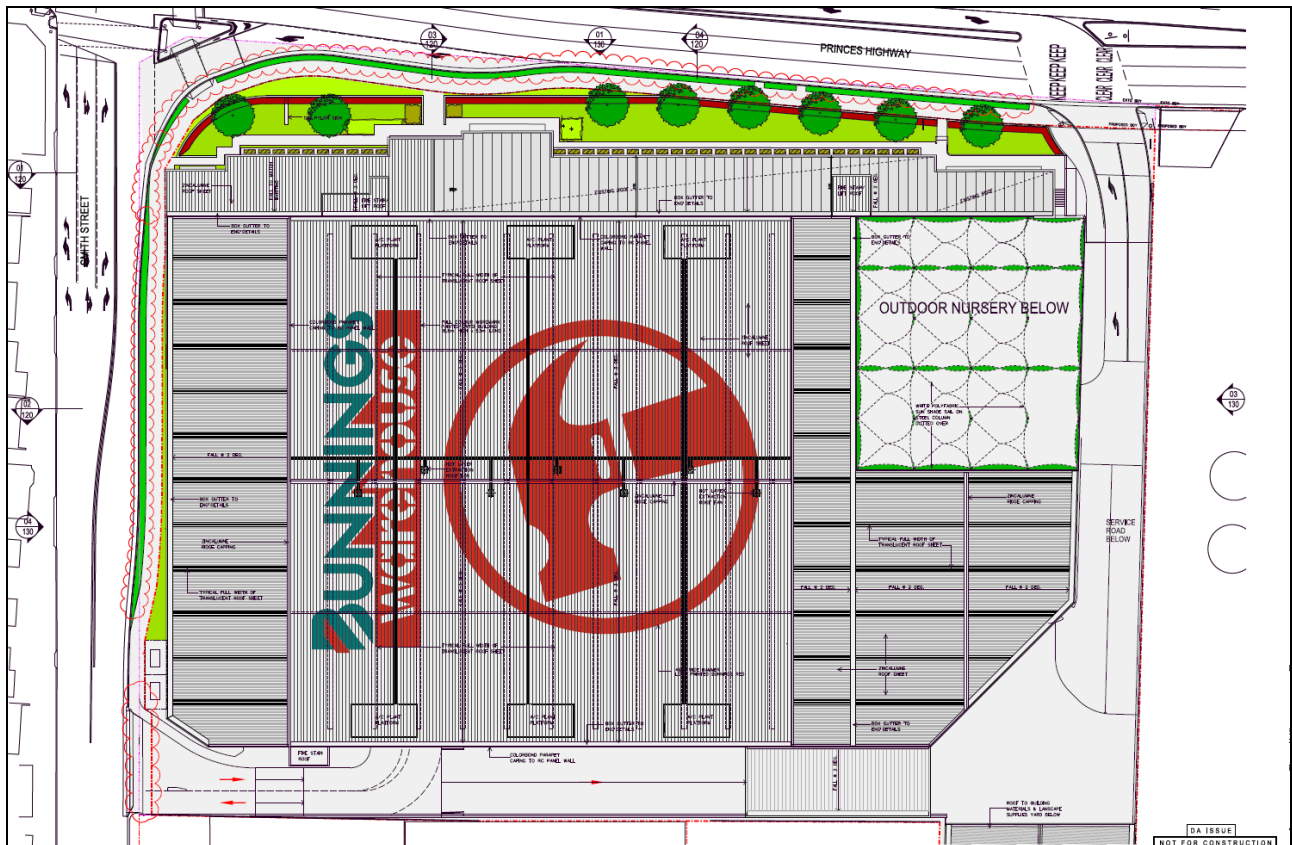
*Image 6: Basement Plan*



*Image 7: Ground Floor Plan*



*Image 8: First Floor Plan*



*Image 9: Roof Plan*

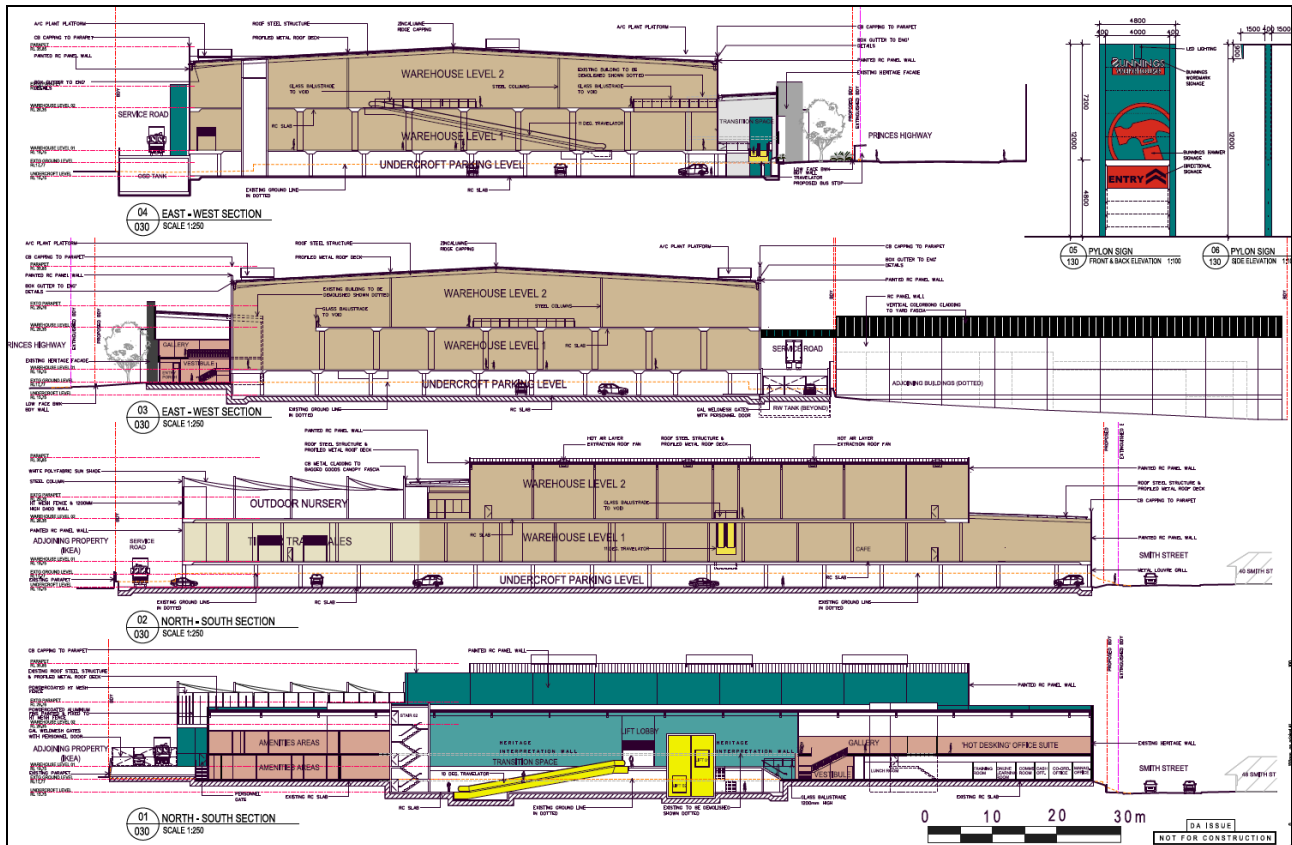


Image 10: Sections

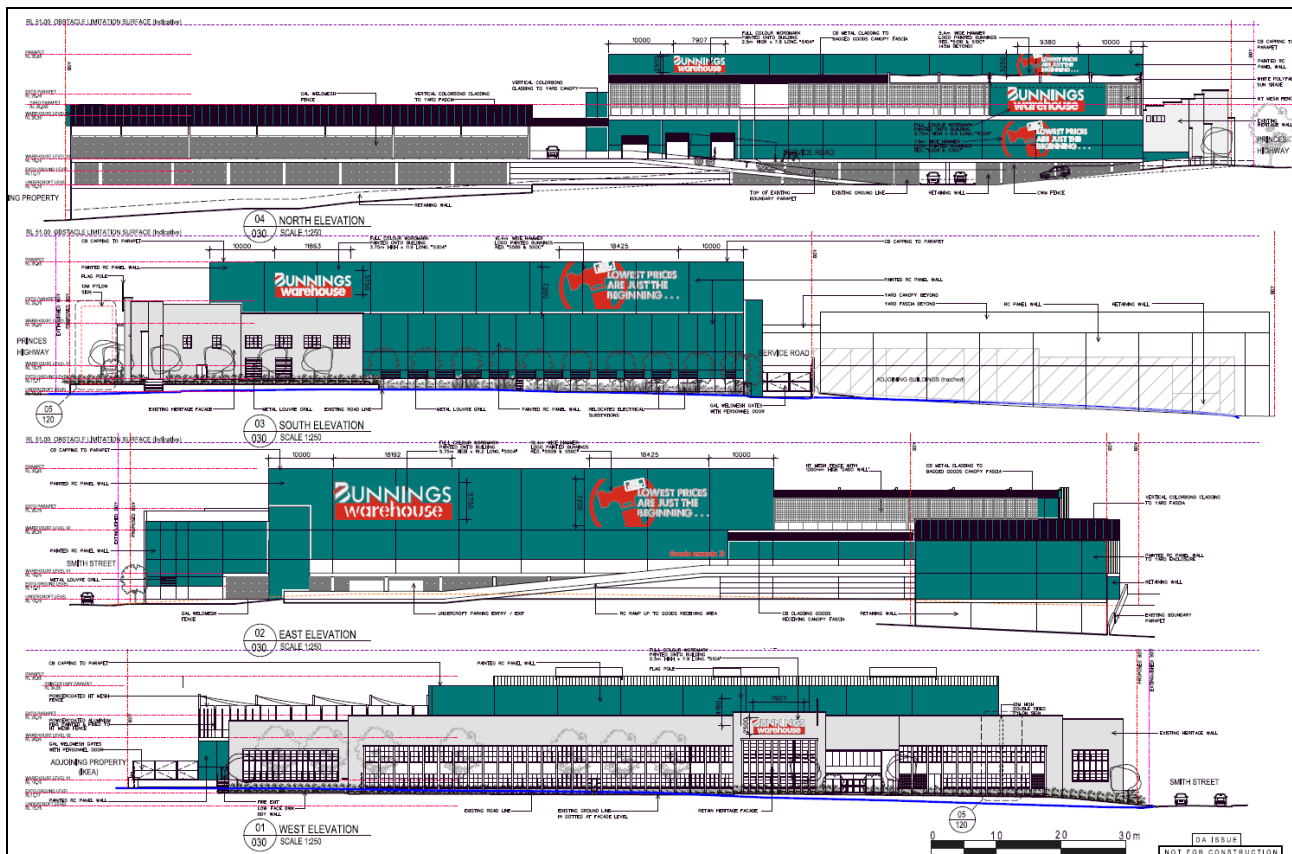


Image 11: Elevations

### **3. Background**

Determination No. 201200528, dated 21 August 2013, determined by the Sydney East Joint Regional Planning Panel approved an application to partially demolish the rear of the existing building, construct a new building form and adaptively reuse the remainder of the existing building for two levels of bulky goods tenancies with off street car parking for up to 301 cars, erect signage, subdivide the land to provide a slip lane from the Princes Highway into Smith Street and widening Smith Street on the northern side.

An application was lodged with Council on 21 July 2015 to partially demolish the rear of the existing building, construction of 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. The application was subsequently withdrawn on 22 September 2016 due to the failure of Roads and Maritime Services to grant concurrence, among other planning reasons.

The subject application was lodged with Council on 21 April 2017.

The application was referred to a number of internal and external parties. Internally, referrals were provided to Council's Local Traffic Committee, Tree Management Officer, Heritage Advisor, Environmental Health Officer, Social Planner, Waste Management Officer and Development Engineer. Externally, the proposal was referred to Roads and Maritime Services, Ausgrid, Sydney Airport, State Transit, Marrickville Heritage Society and Heritage Council of NSW.

On 30 May 2017 Council received a response from Roads and Maritime Services (RMS) advising that the proposal was unsatisfactory in relation to the signalization of a right turn bay for northbound traffic entering the site. Amended plans were subsequently received by Council on 13 October removing the signalization of the turning bay.

The amended proposal was placed on public notification in accordance with Council's notification Policy on 15 November 2017.

On 7 November 2017 the applicant was notified by Council that the proposal in its current form was not supported on a number of grounds, including loss of heritage fabric, impact on existing trees, waste management, and traffic and parking concerns. An amended package was provided to Council on 11 December 2017 containing amended architectural plans, an amended landscape package, traffic response, arborist response and amended arborist report and a heritage response.

The traffic response package prepared by the applicant was reviewed by Council's Traffic Section and on 17 April 2018 the applicant was advised by letter of a number of ongoing/outstanding concerns. It was concluded that, in its current form, the proposed development site at 728-750 Princes Highway, Tempe could not be supported due to outstanding traffic and parking concerns.

A subsequent meeting was held 15 May 2018 with Council Officers and the applicant to discuss outstanding concerns raised by Council. On 29 May 2018 the applicant submitted amended plans and additional documentation in response to Council's outstanding traffic and parking concerns.

It is noted that the amended plans and details submitted subsequent to the re-notification on 15 November 2017 made no significant material changes and no changes that would have further impact on adjoining premises than the notified proposal and were therefore not required to be notified in accordance with Council's Notification Policy.

The amended plans and documents submitted to Council on 13 October 2017, 11 December 2017, 29 May 2018 and 31 August 2018 are the subject of this assessment.



#### 4. State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Where a site is found to be contaminated, SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP), as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

A Detailed Site Investigation, prepared by Coffey Environments Australia Pty Ltd, dated 17 June 2013 was submitted with a previous proposal for the site. That report concluded that the site is suitable for the proposed development, subject to the appropriate removal of underground storage tanks and the surrounding subsurface validated in accordance with the *Guidelines for Assessing Service Station Sites (NSW EPA, 1994)*.

The subject application is accompanied by a Preliminary Site Investigation (PSI), prepared by Environmental Investigations Services (EIS), dated 26 November 2014. The PSI prepared by EIS concluded that the site can be made suitable for the proposed use and made the following conclusion:

*“EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to minimise/better manage/characterise the risks:*

- 1. Undertake further assessment of the potential asbestos issue identified in BH4. This will enable a decision to be made on any management procedure that may need to be implemented during or after earthworks; and*
- 2. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition works; and*

*In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.”*

The subject application is accompanied by a Hazardous Materials Assessment (Hazmat), prepared by Greencap, dated November 2014. The Hazmat makes a significant number of recommendations and actions necessary to manage any hazardous material related risks, including asbestos.

The report also identified the site as potentially being affected by Acid Sulfate Soils (ASS) and concluded that the risk of encountering acid sulfate soils during the proposed development is considered to be very low. No further concern is raised in this regard.

Subject to the imposition of conditions in accordance with the conclusion and recommendations contained within the PSI and hazmat submitted with the application the site can be made suitable for the proposed use, however the application is not supported for other reasons outlined in this report.



## 5. State Environmental Planning Policy No. 64 - Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) was gazetted on 16 March 2001. This SEPP applies to all signage that requires development consent and aims to ensure that signage is compatible with the desired amenity and visual character of an area.

The aims and assessment criteria in SEPP 64 are generally covered by the signage controls contained in Part 2.12 of Marrickville Development Control Plan 2011 - Signs and Advertising Structures and are considered as part of the assessment of the application presented in this report.

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;
  - 9.3 metres (length) by 3.2 metres (height) “Hammer and position statement”;
  - 11.9 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement”;
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;
- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing “Bunnings Warehouse and hammer logo”; and
- 1 x large format roof sign “Bunnings Warehouse” and “Hammer”.

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage has been considered against the assessment criteria contained within Schedule 1.

**Character of the area** – The signage is considered compatible with the existing and future desired character of the area. The scale of the proposed signage is considered proportionate to the scale of the existing development and typical of similar centres. The proposed pylon sign is approximately 12 metres in height and is comparable in height to the existing pylon sign on the property. Whilst the area to the south of the site contains low density residential, the interface of the dwellings is with industrial lands surrounding the site and the signage is consistent with the character expected within an industrial context.

**Special Areas** – The proposed signage does not adversely degrade or detract from the visual quality or amenity of the area as the proposed identification signage is considered to be integrated well into the subject building.

**Views and Vistas** – The proposed development does not compromise or obscure any views or vistas. The visual impact of the signage to the Princes Highway is considered to be minimal as the flush wall sign to the heritage façade and the pylon sign is to replace existing signage in these locations. The remaining signage is located on side elevations and set back from the street.

**Streetscape, setting or landscape** – The proposed scale, proportion and form of the signage is considered appropriate for the building and area, whilst contributing to the visual interest of the

streetscape.

**Siting and Building** – The proposed signage is considered consistent to the scale and proportion of the building as it is positioned within the lines of the existing building's facades. The signage is considered to respect the important architectural features of the existing building.

**Associated devices and logos with advertisements and advertising structures** – No advertising structures are proposed to be installed.

**Illumination** – The level of illumination of the proposed signage is not considered to impact on the surrounding development.

**Safety** – It is considered the proposed signage would not reduce the safety for pedestrians, bicyclists, drivers or obscure sightlines from public areas as the signs have an adequate setback from the street and pedestrian walkways.

For the purposes of Schedule 1 of SEPP 64, the proposed signage is considered acceptable. The proposed sign is also discussed further within this report under the provisions of MDCP 2011.

## 6. State Environmental Planning Policy (Infrastructure) 2007

### Clause 101 – Development with frontage to Classified Road

The subject site has a frontage to the Princes Highway which is a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP):

- "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."*

Vehicular access to the property is provided from Princes Highway and Smith Street. It is considered that the proposed development would not affect *"the safety, efficiency and ongoing operation of the classified road."* It is considered that the proposed development is a type of development that is not sensitive to traffic noise or vehicle emissions.

### Clause 104 – Traffic generating development

In accordance with Clause 104 of the Infrastructure SEPP, the application was referred to Roads and Maritime Services. RMS advised by letter dated 11 December 2017 that concurrence is granted subject to appropriate conditions which should be imposed on any consent granted. A full background to the amendments required by RMS is provided earlier in Part D(3) of this report under the heading *'Background'*.

The application was also required to be referred to Council's Local Traffic Committee (LTC) as the proposal constitutes traffic generating development. The application was considered by the LTC at the meeting on 5 October 2017. The officer's report made the following conclusions:

*"The submitted development application for the proposed development site at 728-750 Princes Highway, Tempe has been reviewed and in its current form cannot be supported in its current form based on the concerns raised below;*

1. *As per MDCP 2011, it should be considered that due to the significant shortfall in bicycle spaces on-site, the applicant should include to the on-site parking that the site proposes Council authorised car-share parking spaces and liaise with relevant car-share company as part of the development of a transport plan to encourage a bicycle and car-share vehicle scheme. Therefore, the provision of at least 20 on-site bicycle spaces and 4 on-site car-share parking spaces to make for the balance of on-site bicycle parking shortfall is required. The applicant is also to liaise with relevant car-share company as part of the development of a transport plan to encourage a bicycle and car-share vehicle scheme.*
2. *As per MDCP 2011, it should be required that a total of 5 service/delivery truck parking spaces be provided on-site and that the applicant supply evidence that there are parking spaces allocated for service vehicles or delivery trucks. There is uncertainty on whether the site will be able to accommodate for more than 1 truck delivery, simultaneously, without queuing on the proposed ramp via the Smith Street access point;*
3. *Information on the general waste and recycling generated within the development site is required. A general waste management plan illustrating the proposed location of the waste pick-up area and the directional method of vehicles to collect the waste is to be provided;*
4. *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; and*
5. *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."*

The report was discussed at the LTC meeting on 5 October 2017 with Committee members and it was noted that the Committee had concerns with the impact of the Bunnings development generally and the proposed changes on local residential streets as well as the Princes Highway. Of particular note was the impact of the proposed right turn traffic movements at Princes Highway and Smith Street intersection, as well as concerns with regard to the RMS recommendation to not signalise the dedicated entry/exit to the site at Princes Highway. The RMS representative stated that the recommendation not to signalise the entrance to the site was based on traffic modelling which indicated that a right turn signal from Princes Highway to the site would have significant

impacts to traffic flow on Princes Highway. Amended plans were subsequently submitted to Council on 13 October 2017 removing the proposed signalisation of the right turn bay, amongst other amended documentation.

Subsequently, on 7 November 2017 the Applicant was notified by Council that the proposal in its current form was not supported on traffic and parking concerns, among other reasons. An amended package was provided by the applicant to Council on 11 December 2017 containing, among other documents, a response to Council's traffic and parking concerns.

The traffic response package prepared by the applicant was reviewed and on 17 April 2018 Council's Traffic Section raised a number of ongoing concerns. It was concluded that, in its current form, the proposed development site at 728-750 Princes Highway, Tempe could not be supported based on the traffic and parking concerns raised below:

1. *"The applicant supply evidence and demonstrate with drawings/plans that there is adequate space allocated for service vehicles or delivery trucks. There is uncertainty on whether the site will be able to accommodate for more than 1 truck delivery, simultaneously, without queuing on the proposed ramp via the Smith Street access point;*
2. *Information on the general waste and recycling generated within the development site is required. A general waste management plan illustrating the proposed location of the waste pick-up area and the directional method of vehicles to collect the waste is to be provided;*
3. *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; and*
4. *The proposed road widening of Princes Highway and Smith Street with changes to the traffic signals at this intersection, it is recommended that the traffic modelling be reviewed, particularly in Smith Street, and that consideration be made to the loss of on-street parking along the northern side of Smith Street (adjacent to the proposed development). The applicant should consider an alternate proposal or amend the existing alignment of the road widening in Smith Street to minimise the impact of loss in on-street parking while maintaining adequate queuing lengths of traffic lanes for peak periods at the propose traffic signals. The purchase of adjacent properties in Smith Street, at its intersection with Princes Highway, should be considered to make up for the parking loss along the northern side of Smith Street."*

A meeting was held 15 May 2018 with Council Officers and the applicant to discuss the ongoing concerns raised by Council.

On 29 May 2018 the applicant submitted amended plans and additional documentation in response to Council's outstanding traffic and parking concerns. A revised assessment was reported to the LTC on 7 August 2018 which reviewed the proposal based on the information submitted. That report concluded the following;

*"The submitted development application and amendments for the proposed development site at 728-750 Princes Highway, Tempe have been reviewed and in their current form still cannot be supported due to the outstanding concerns raised below;*



- Any loss of on-street parking spaces is not acceptable

*Inner West LGA, in some of its suburbs, experiences an acute shortage of available on-street parking for its residents that do not have any off-street parking facilities and who rely on on-street parking. Tempe is one of these suburbs.*

- Concerns remain in regards to the location and actual number of on-street parking spaces that will be lost and/or impacted upon in Smith Street, Tempe.

*The local community already experiences high parking utilisation rates for the existing on-street parking provision in the locality. Any loss of on-street parking is not acceptable and would be at the detriment of local residents. Residents in the locality report that they already find it hard to secure parking in their street and/or nearby their residences. Many local residents do not have off-street parking facilities.*

*For an adequate assessment of the actual loss of on-street parking in Smith Street it is suggested that a plan be produced showing all 'No Stopping' areas dimensioned and all parking restrictions dimensioned endorsed with an overlay indicating existing on-street parking spaces and then identification of those 'lost' / 'retained'. Superimposed on the same plan the swept path of the largest truck using the site ideally would show accurately what on-street parking would be impacted on.*

- No updated swept path diagrams supplied showing trucks entering and leaving the site at the Smith Street entrance, in particular, to check whether they will impact on the loss of on-street parking spaces

*In the recent amended diagrams no updated swept path diagrams of large vehicles entering the site at the driveway entrance in Smith Street and/or leaving the site have been supplied. It is important to have these also updated so as to check all truck movements are accurate and/or to check whether they impact at all on any on-street parking as noted above."*

It is noted that the applicant submitted additional information to the Traffic Committee which has subsequently been reviewed by Council's Traffic Engineers who have indicated the information still fails to provide the necessary information and adequately respond to Council's concerns.

A referral was received by Council's Traffic Services section who recommended that the application be refused for the following reasons:

***"Insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development.***

*Particularly, Council officers are concerned that up to 16 spaces along the northern side of Smith Street may be lost as a result of this proposal. The request for a plan of existing on-street parking with an overlay of the final road configuration and swept paths of the largest approved truck which uses Smith Street should be provided to analyse the loss of on-street parking on the northern side. To date this information is yet to be provided.*

*Further, car parking spaces may be lost on the southern side of Smith Street near the Princes Highway as a result of the propose signal configuration. This will only add to the parking strain on residents.*

***Insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.***



*A report on the proposed development site was referred to the Local Traffic Committee at its meeting on 5 October 2017 for consideration and a Committee member raised the following recommendation:*

*“A more comprehensive traffic study be undertaken to determine the potential impact on local residential streets like Smith Street, Union Street, Foreman Street and South Street.”*

*The applicant was asked to provide a more comprehensive traffic study of the proposed traffic impact of the new Bunnings development to determine the potential impact on local residential streets like Smith Street, Union Street, Foreman Street and South Street, Tempe however insufficient information was provided to adequately assess the full impact of the development on the local street network.*

*Queuing in Smith Street will be an issue and no measures have been given to ameliorate it. The SIDRA analysis looked at isolated intersections and not the locality as an integrated network. Queuing back from downstream intersections on Princes Highway was not taken into account in the analysis and this will have an impact to queuing in Smith Street.*

*Also there appears to be no justification detailed in the applicant’s Traffic report in relation to the split of ‘projected distribution of future site generated traffic’ from the proposed development. Considering the demographics of the area it is considered that more generated traffic would go into Union Street (onwards to Earlwood etc) than north (on Princes Highway) as indicated.”*

Having regard to the unresolved traffic concerns regarding traffic and the loss of parking on Smith Street, the application is unsupportable and is recommended for refusal.

## **7. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under MDCP 2011.

There are a number of trees on the site protected by MDCP 2011 which are discussed later in this report under the provisions of Part 2.20 of MDCP 2011.

## **8. Marrickville Local Environmental Plan 2011**

### **(i) Land Use Table and Zone Objectives (Clause 2.3)**

The property is zoned B6 – Enterprise Corridor under the provisions of MLEP 2011. The development for the purpose of *Hardware and Building Supplies* is permissible with Council's consent under the zoning provisions applying to the land. The development is acceptable having regard to the objectives of the B6 - Enterprise Corridor zone.

### **(ii) Subdivision (Clause 2.6)**

Clause 2.6 of MLEP 2011 states that land to which this Plan applies may be subdivided, but only with development consent. The proposed development includes subdivision of the land to create a slip lane along the Princes Highway frontage and road widening of the northern side of Smith Street adjacent to the site. This matter is discussed later in this report under the heading “*Marrickville Development Control Plan 2011 - Part 3 - Subdivision, Amalgamation and Movement Networks*”.

(iii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works appropriate should be imposed on any consent granted

(iv) Height (Clause 4.3)

MLEP 2011 does not prescribe a maximum building height for the subject site. Instead, MDCP 2011 contains a number of controls and objectives which aim to ensure that the heights of buildings are consistent with the character of the surrounding area.

This matter is discussed in more detail later within this report, under the heading "*Marrickville Development Control Plan 2011*".

(v) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.95:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 17,865sqm and has an FSR of 0.877:1 on the site which complies with the FSR development standard.

(vi) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item under MLEP 2011, listed as *Westpac Stores Department and Penfolds Wine Cellars (former), including interiors* (Part of Item 299, together with the adjoining IKEA site). The site has also been identified under MLEP 2011 as an archaeological site.

The application involves partial demolition of the existing sawtooth-roofed warehouse, precast additions and part of the office section of the original building. The application was referred to Council's Heritage Advisor who provided the following comments:

*"There is no objection to the demolition of the precast additions, which have no heritage value. The sawtooth-roofed warehouse has historical value though not aesthetic significance, but in the interests of the continuing use of the item, its demolition can be accepted. There are some concerns with the design:*

1. *The extent of demolition of the offices and loss of interior spaces;*
2. *The massing of the new store in relation to the offices*
3. *The widening of the Princes Highway and loss of setting and curtilage;*
4. *The large freestanding sign in front of the building.*

*Other considerations are the need to ensure*

5. *the conservation of the item;*
6. *adequate protection for any archaeological relics;*
7. *the provision of interpretation."*

The concerns raised by Council's Heritage Advisor in the preliminary assessment of the proposal were raised with the applicant who provided a supplementary report to Council on 11 December 2017 prepared by GML Heritage. Upon a site inspection of the internal building, Council's Heritage Advisor reviewed the response and concluded that the impacts to the heritage item as a result of concerns 1 to 4 raised above are largely unavoidable due to the required widening of Princes Highway and Smith Street and the constrained nature of the site. Furthermore, the height of the proposed warehouse, being 2 storeys is considered modest given the nature of the locality and in considering that no numerical development standard applies to the site in relation to height.

The pylon sign is comparable in size to that approved as part of the consent granted by Determination No. 201200528 dated 21 August 2013 granted by the Sydney East Joint Regional Planning Panel and it would be onerous to require the sign to be reduced in size.

The supplementary report provided by GML Heritage makes the following recommendations in relation to matters 5 to 7 above:

***“Conservation of Heritage Item***

*A detailed Schedule of Conservation Works will be provided as a Condition of Consent, similar to but updated from the conditions placed on the 2013 DA, or in a modified HIS. A suggested condition is attached to this report.*

***Adequate provision for archaeological relics***

*This can be addressed through an appropriate Condition of Consent, which will require an Aboriginal Due Diligence Assessment and Historical Archaeological Assessment and Research Design report to be prepared and all relevant permits to be obtained prior to works commencing on the site. This can be based on an update of the Archaeological Assessment and Research Design report prepared by Godden Mackay Logan dated November 2012.*

***The provision of interpretation***

*The provision and implementation of an Interpretation Plan (IP) will be incorporated as a Condition of Consent; a variation to the condition placed on the 2013 DA is recommended that avoids the IP being referred to the Heritage Council for approval as this will take time and money, and could be signed off by Council’s heritage advisor.*

*In addition, the standard archival recording of the changes will be undertaken, also a recommended condition of consent.”*

The conditions recommended by GML Heritage have been considered and could be imposed on any consent granted, however the application is not supported for traffic reasons.

The application was also referred to Heritage Council of NSW who raised no concern over the development subject to the imposition of appropriate conditions relating to archaeological relics.

The development is considered acceptable having regard to Clause 5.10 of MLEP 2011 and the relevant provisions of Part 8 of MDCP 2011.

(vii) Acid Sulfate Soils (Clause 6.1)

The subject property is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map.

The applicant submitted a Preliminary Site Investigation, which identified the site as potentially being affected by acid sulfate soils. This matter has been discussed previously within this report under the heading “*State Environmental Planning Policy No. 55 – Remediation of Land*”.

(viii) Earthworks (Clause 6.2)

The proposed development includes excavation to a depth approximately 2.5 metres below existing ground level to accommodate the undercroft parking. Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks require development consent. Those matters include the potential disruption to drainage patterns and soil stability, effects on the likely future use of the land, the quality of the fill or soil to be excavated, likely effects

on adjoining properties, the likelihood of disturbing relics and the potential for adverse impacts on any watercourse or drinking water.

The application was accompanied by a Geotechnical Report, which stated that the proposed development is considered geotechnically feasible, however, recommends further investigation to provide suitable recommendations for design and to manage the geotechnical risks associated with the development. In addition the applicant submitted a Preliminary Site Investigation Report, which contained a number of recommendations to ensure that the site can be made suitable for the proposed development and the appropriate disposal of excavated soil.

If the proposal were to be supported, subject to the imposition of appropriate conditions relating to the recommendations contained within the Geotechnical Report submitted with the application, the proposed development could satisfy the objectives contained within Clause 6.2 of MLEP 2011, however the application is not supported for other reasons.

(ix) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 25 - 30 Australian Noise Exposure Forecast (2033) Contour. The proposed use is defined as light industrial in nature and an Acoustic Report was submitted with the application that demonstrates that the development is acceptable as per the provisions of Table 2.1 in AS2021-2015.

(x) Airspace Operations (Clause 6.6)

The site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. The development has a height of 40 metres Australian Height Datum (AHD).

The application was referred to the body responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Kingsford Smith Airport in accordance with the requirements of Clause 6.6 of MLEP 2011, being Sydney Airport Corporation.

Sydney Airport Corporation, by letter dated 1 May 2017 advised no concern is raised over the height of the development subject to the imposition of conditions on any consent granted.

## **9. Draft Marrickville Local Environmental Plan 2011 (Amendment 4)**

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

## **10. Marrickville Development Control Plan 2011**

### **Part 2 – Generic Provisions**

(i) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the development application and is acceptable.

(ii) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For commercial developments Part 2.5 of MDCP 2011 requires:

- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards; and
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities; and
- In a car parking area containing 10 or more car spaces, a minimum of 1 accessible car parking space being provided for every 10 car spaces or part thereof.

The applicant provided a Statement of Consistency as part of the subject development application that demonstrates that the proposal satisfies the access and mobility controls contained in MDCP 2011 in that:

- Appropriate access is provided for all persons through the principal entrance to the premises;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the shop;
- An accessible toilet is provided;

The development provides 424 car parking spaces, with 10 of those spaces being accessible. Based on the quantity of car parking spaces provided, a total of 43 accessible car parking spaces would be required to be provided on site. The provision of an additional 33 accessible car parking spaces to provide a total of 43 accessible spaces would reduce the total number of standard car parking spaces to 364, which is not preferable. The applicant provided the following justification for the development providing accessible car parking below that prescribed by MDCP 2011:

*"We believe the proposed provision of ten (10) accessible spaces is justified on the following grounds:*

- *As a rule of thumb, Bunnings adopts the Australia-wide standard of 2 accessible spaces per 100 car spaces found in the BCA (section D3.5 Accessible Car Parking, class 6). In the case of the proposed Tempe store, a total of 424 car spaces are proposed and 10 accessible car spaces are proposed, which exceeds this requirement.*
- *It is Bunnings' standard requirement that for all "large warehouses" 10 accessible car spaces are provided, irrespective of actual car park numbers*
- *Bunnings has well established experience of operating these types of stores, which at last count exceeds 300 stores across Australia, and it is our experience that this provision is sufficient for demand*
- *In the event an excessive number of accessible spaces are provided, this will act to limit supply for other users and potentially lead to unforeseen car parking shortfalls at peak periods"*

The above justification is considered well founded and worth of supported. Any reduction in ambulant car parking spaces could result in an overflow into the local street car parking network which would be undesirable.

Given the above the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.



Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal.

(iii) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains the objectives and controls relating to acoustic and visual privacy including controls relating to aircraft noise, general acoustic privacy, visual privacy, air conditioning, and impacts of rail and road noise or vibration.

An Acoustic Report was submitted with the application which made the following conclusions:

*“...Noise assessment was completed for the proposed new Bunnings store at Tempe which has included the assessment of noise from fixed mechanical plant, patrons, aircraft and activities associated with the delivery of goods.*

*Background noise monitoring from 2014 was used to establish the existing noise levels from which project specific noise criteria were derived. These criteria were developed using the EPA’s Noise Guide for Local Government.*

*The noise assessment has determined that noise from operations on the site will comply with established noise criteria at the closest residences on Smith Street.”*

The Acoustic Report was reviewed by Council’s Environmental Health Officer who raised no concern with the proposal from an acoustic perspective.

The layout and design of the proposed development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. The proposal does not include any additional openings along the Smith Street elevation which would result in any adverse privacy impacts. Furthermore, appropriate conditions of consent should be imposed on any consent granted to ensure that the operation of the subject development does not adversely impact on the acoustic amenity of the adjoining residential properties.

The application includes the installation of air conditioning units on the roof of the development which are not visible from any public place. MDCP 2011 provides the following in relation to air conditioning units:

*“Air-conditioning units must be installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. The air-conditioner, associated plant and ancillary fittings must not give rise to “offensive noise” as defined under the provision of the Protection of the Environment Operations Act 1997.”*

Appropriate conditions could be imposed on any consent granted to ensure the air conditioning units comply with the above criteria however the proposal is not supported on traffic grounds.

Matters relating to hours of operation have been discussed later in this report under the provisions of Part 6.2 of MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. The development does not result in any significant increase in

overshadowing to the dwellings on the opposite side of Smith Street, being Nos. 30 to 48 Smith Street.

The development will not impact on any principal living areas or areas of private open space of any residential accommodation to the extent that solar access to those areas are reduced to less than 2 hours on 21 June in accordance with Council's controls. .

The development is acceptable having regard to the provisions of Part 2.7 of MDCP 2011.

(v) Social Impact Assessment (Part 2.8)

Part 2.8.5 of MDCP 2011 states that a Social Impact Comment is required for retail premises exceeding 3,000sqm. The proposed hardware and building supplies store is technically an industrial development but given the size and nature of the use, a Social Impact Assessment was submitted with the application which concluded the following, in part:

*"...The proposed development will significantly increase the range of hardware and home improvement goods on offer in the inner west. The co-location of the proposed store with Ikea will provide convenient shopping for homemakers as a considerable range of goods will be on offer in a single location. The proposed development will encourage increased competition between retailers which will benefit the consumer. The proposed development will also bring significant employment opportunities and boost gross regional product."*

The application was referred to Council's Social Impact Planner who raised no objection to the proposal and indicated the development would provide improved employment opportunities in the LGA. The development satisfies the controls and objectives contained in part 2.8 of MDCP 2011.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The proposed development is considered to generally satisfy the objectives of Part 2.9 of MDCP 2011 as follows:

- The proposal includes appropriate lighting for all entrances and on-site pedestrian thoroughfares;
- The alterations and additions to the building have been design to avoid secluded areas and incorporate large open plan areas which accommodate parking, landscaping and entrances;
- The building entrance will be readily visible from the street; and
- The proposed use will generate in itself more opportunities for causal surveillance by customers.

Having regard to the above the proposal is considered to satisfy the community safety provisions of Part 2.9 of MDCP 2011.

(vii) Parking (Part 2.10)

**Car Parking**

In accordance with Part 2.10 of MDCP 2011, the subject property is located in Parking Area 3 and has a GFA of 17,865sqm. The parking rates table in Control C1 of Part 2.10.5 of MDCP 2011 does not provide parking rates for *Hardware and Building Supplies* stores. Control C2(xi) of Part 2.10.5 of MDCP 2011 specifies the following:

*"Calculation of parking provision for uses not specified in Table 1 above is to be undertaken on merit, guided by the RMS Guide to Traffic Generating Developments rates reduced by 30%, 25% and 20% for Parking Areas 1, 2 & 3 respectively."*

A review of the RMS *Guide to Traffic Generating Developments* concludes that the guide also does not specify parking rates for *Hardware and Building Supplies* stores and therefore the appropriate rate of car parking must be considered on merit for this application.

The application seeks consent for a single level of basement parking accommodating the following:

- A total of 424 car parking spaces for customers and staff, including 4 spaces to be provided for car share vehicles, 4 car parking space being provided with attached trailer bays, and 10 accessible car parking spaces;
- 20 bicycle parking bays;
- 17 motorcycle parking spaces.

The applicant submitted the following comments regarding car parking:

- “1. *Bunnings’ consultant TTPA has presented empirical parking analyses of comparable Bunnings Warehouses, and concludes that provision within a range of 360-412 spaces will be appropriate to cater for expected demand, including seasonal demand, to avoid any overflow on-street parking. The proposed provision of 424 spaces (at a rate of 1 space/42 sqm), is an appropriate “merit” provision in light of expected demands.*
2. *With regard to the objectives of Part 2.10 of the MDCP 2011, this provision can be supported because:*
  - (i) *it avoids spillover parking on to surrounding streets which cannot accommodate any spillover parking;*
  - (ii) *the proposed car park sits within an excavated area under the footprint of the proposed warehouse, therefore parking is managed in a visually unobtrusive manner;*
  - (iii) *parking is provided for customers and staff on-site; parking provision is sufficient to cater for demand as evidenced by comparison to empirical survey relating to demand for this type of development;*
  - (iv) *the development features the economic reuse of a significant heritage item.*

The previous approval on the site, Determination No. 201200528 dated 21 August 2013 which granted consent for a bulky goods retail premise was subject to the parking provision rate for bulky goods retail which under MDCP 2011 is a rate of 1 space per 100sqm GFA. Whilst Council acknowledges the parking rate provision for bulky goods premises is not appropriate for the proposed use as the parking demands are different, it is the most similar use with a rate prescribed in MDCP 2011. Given the GFA of the subject proposal being 17,885sqm, this would attract a requirement for 179 car parking spaces, with 18 of these spaces being accessible.

A recent RMS Technical Direction, *TDT 2013/04*, published May 2013 provided updated traffic surveys for certain types of traffic generating developments. The surveys indicate that there is a substantial difference between the vehicle trips generated by a bulky goods retail store and a major hardware and building supplies store. It is therefore concluded that Council’s parking rates for bulky goods retail premises could not accurately be used to determine the required number of car parking spaces being required for the subject use. It would be undesirable for a reduced number of car spaces to be provided which may result in overflow on to the street parking network.

Considering the above and the argument provided by the applicant above, it is Council’s opinion that the 424 car parking spaces are sufficient given the circumstances.

### **Bicycle Parking**

MDCP 2011 does not prescribe a bicycle parking rate for hardware and building supplies premises. An assessment of the merits of the proposal was undertaken by Council’s Traffic and Parking

Services section who consider that 20 bicycle parking spaces would be sufficient for use by customers and staff.

The development proposes a total of 20 bicycle parking spaces. Given that the development site is a hardware and building supplies store and most goods purchased are of significant size, it is envisaged that most customers would be visiting the store with a vehicle. It is therefore considered that 20 spaces is appropriate. Notwithstanding, there is sufficient space within the basement parking area if more than 20 bicycle should wish to park at any one time.

### **Motorcycle Parking**

Control C19 of Part 2.10.15 of MDCP 2011 prescribes that motorcycle parking shall be provided at a rate of 5% of the car parking required. Given that no car parking provision rates apply for the use, a rate of 5% of the car parking provided should be used in this circumstance.

The proposed development provides a total of 17 motorcycle parking spaces. A condition should be imposed on any consent granted requiring the provision of a total of 21 motorcycle parking space in accordance with Part 2.10.15 of MDCP 2011. This will ensure sufficient motorcycle parking is provided on site for customers and staff.

### **Vehicle Service and Delivery Areas**

C25 of Part 2.10.16 of MDCP 2011 requires the provision of service and delivery vehicle parking for the proposed development as follows:

*“One truck space per 4,000sqm GFA up to 20,000sqm GFA plus one truck space per 8,000sqm thereafter.”*

Plans submitted with the application indicate space for 4 trucks to park and unload. Council's Traffic Services section has reviewed the service and delivery area and has advised that the area complies with the requirements of MDCP 2011.

#### **(viii) Signage and Advertising Structures (Part 2.12)**

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;
  - 9.3 metres (length) by 3.2 metres (height) “Hammer and position statement”;
  - 11.9 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement”;
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) “Bunnings Warehouse”;
  - 18.4 metres (length) by 7.2 metres (height) “Hammer and position statement”;
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) “Bunnings Warehouse”;

- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing “Bunnings Warehouse and hammer logo”; and
- 1 x large format roof sign “Bunnings Warehouse” and “Hammer”.

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

## General Controls

Control C2 specifies that the scale and location of a sign must be compatible with the architectural design of the building to which it is affixed and consider nearby buildings, streets and other existing signs. Important architectural features must not be obscured by signage and must remain the dominant feature of the facade.

The development involves retention of an existing heritage listed warehouse and construction of a new warehouse addition behind. The site has approximately 150 metres of frontage to Princes Highway and the southern and northern side elevations of the new additions are particularly prominent when viewed from Princes Highway. Given the heritage nature of the front façade, only a small business identification sign is located on the front façade replacing the existing “Pretty Girl” signage.

Given that the front façade is entirely void of signage with the exception of the small replacement “Bunnings” sign and pylon sign in the front setback, the majority of signage is in the form of painted wall signage along the northern and southern elevations of the rear portion of the development, albeit still visible from Princes Highway, as illustrated in Image 11 below:



*Image 12: Proposed Signage*

Control C4 specifies that the colour used in the design of an advertising sign or structure must be compatible with the colour scheme of the building to which it will be attached. Control C5 also specifies that corporate colours, logos and other graphics are only acceptable where they are



restricted to an advertising sign. The development includes the painting of the entire development, with the exception of the heritage building in a dark green colour. The green is considered a corporate colour and the signage incorporates branding colours, including white, red and green

Given the colour scheme of the heritage item being retained which generally includes blonde brick and white window frames, the green is considered inappropriate and will detract from the appearance of the item. The painting of the entire development in a bold corporate colour is considered excessive. It is considered that a predominantly off-white paint scheme, incorporating areas of green and red in the advertising signs is more appropriate and would be compatible with the colour of the heritage item. A similar approach to this was incorporated into the design and branding of the Bunnings store in Ashfield, illustrated in Image 12 below:



*Image 13: North eastern façade of Bunnings Ashfield*

If the proposal were to be supported, a condition could be imposed requiring that the painting of the façade be amended to an off-white colour and the colour scheme of the signage be amended accordingly. Subject to the colour scheme being amended, it is considered that the proposed signage is compatible with the contemporary rear addition and is respectful to the features of the heritage item. However, the proposal is not supported on traffic grounds as outlined thought his report.

The development includes small down lights on adjustable fittings to illuminate the signage. Illumination is proposed during the hours of operation being 6:00am to 10:00pm. Control C1 specifies that no illumination may occur between 10:00pm and 7:00am the following day. The operation of the premises commences from 6:00am on Mondays to Fridays and the advertising signs along the southern elevation are located opposite residential accommodation. Notwithstanding, the above, Council raises no concern over the illumination of the signage between 6:00am and 10:00pm daily which is consistent with consents relating to other similar signage including IKEA and Decathlon to the north of the site fronting Princes Highway.

## Signage controls based on sign type

### *Flush wall signs*

C14 specifies controls relating to flush wall signs, specifically that only 1 sign shall be permitted on each wall, and the sign must not occupy more than 20% of that wall and a maximum area of 8sqm.

As discussed above, the development has a total frontage of 266 metres to Princes Highway and Smith Street and is a large 2 storey warehouse building. Given that the front façade is entirely void of signage with the exception of the small replacement “Bunnings” sign and pylon sign in the front setback, the majority of signage is in the form of painted wall signage along the northern and southern elevations of the rear portion of the development.

Whilst the signage exceeds the maximum size of 8sqm prescribed by Control C14 above, the proposed wall signage occupies approximately 10% of the northern and southern facades which is well within the 20% criteria prescribed and is commensurate with signage in the vicinity of the site, such as IKEA to the north and signage in the business precinct along Princes Highway. The signage is not considered to be excessive in size and is proportionate to the size of the development.

## Signage controls based on zoning and land uses

### *Signage in industrial zones*

Whilst the proposal is located in the B6 Enterprise Corridor zone, the site and its surrounding development is industrial in nature, and includes a number of warehouse and distribution centres to the west of the site, bulky goods retail premises to the north of the site and transport infrastructure opposite the site. The controls relating to commercial zones relate more specifically to commercial centres and this does not reflect the nature of the subject use.

Control C19 specifies that the total advertising area upon any building in an industrial zone must not exceed 1sqm for each 3 metres or part thereof of a frontage up to a maximum area of 10sqm. The site has a 150 metre frontage to Princes Highway and a 116 metre frontage to Smith Street.

Whilst the total area of the signage exceeds the size prescribed by C19, the signage is proportionate to the size of the development, is not considered to be excessive and is commensurate to other types of signage in the vicinity of the site, such as IKEA to the north and signage in the business precinct along Princes Highway.

### *Signage on heritage items and in heritage conservation areas*

Part 2.12.4.9 prescribes controls for signage on heritage items. The development is acceptable having regard to those controls in that:

- The proposed signage on the heritage item is modest in size and scale
- The signage replaces the existing “Pretty Girl” signage on the building in the same location and a similar scale;
- Illumination of the sign is minimal. A condition should be imposed on any consent granted requiring that the cabling and conduit supplying power to the sign be completely concealed and must not involve intervention in or damage to the façade;
- A condition should be imposed on any consent granted requiring that the installation of any sign be carried out in a reversible manner without damage to the façade.

Considering the above, the signage is considered acceptable having regard to the controls contained in MDCP 2011.

(ix) Energy Efficiency (Part 2.16)

Part 2.16.3 of MDCP 2011 specifies the following requirements for new business premises, retail premises, office premises and industrial buildings (involving a gross floor area of greater than 1,000sqm:

- *The total anticipated energy consumption must be no greater than 450 MJ/am<sup>2</sup> (commercial) and 900MJ/am<sup>2</sup> (retail).*
- *New or replacement hot water systems of domestic/ residential scale must be 3.5 star greenhouse rated or more efficient.*
- *The design principles and controls in sections 2.16.6 to 2.16.8 (must be discussed in the statement of environmental effects (SEE).*
- *Where natural ventilation is not possible and new or replacement air-conditioners (of domestic/ residential scale) are to be installed; they must be MEPS (minimum energy performance standards) rated. Minimum 4 star rating for cooling only, and minimum 4 star on one cycle and 3 star on the other cycle for reverse-cycle models."*

The application was accompanied by an Energy Performance Report which demonstrated that the proposed development would generally comply with the above provisions of Part 2.16.3 of MDCP 2011 and is acceptable in this regard.

(x) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for commercial, retail, and industrial development with a total site area greater than 2,000sqm, which results in new or increased gross floor area of greater than 50%.

The application was accompanied by a Stormwater Management Report which is considered acceptable. However, modelling required to be undertaken in the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) program was not submitted with the application. Notwithstanding, the application was reviewed by Council's Development Engineer who raised no concern over the development in this regard subject to a condition being imposed on any consent granted requiring the MUSIC modelling to be undertaken prior to the issue of a Construction Certificate. Notwithstanding the proposal is not supported on traffic grounds.

(xi) Landscaping and Open Spaces (Part 2.18)**Industrial Development**

The following landscaping controls apply to industrial development:

**"C28 Landscaped area**

- A continuous minimum landscaped area 1.5m wide across the entire frontage of the property, excluding driveways, must be provided. This width must be increased to 2 metres where the site exceeds 600m<sup>2</sup> and to 3 metres when the site exceeds 1,000m<sup>2</sup>.*
- For corner sites, a continuous minimum landscaped area 1.5 metres wide across the entire secondary frontage of the property, excluding driveways, must be provided.*
- If an existing site is to be refurbished or is subject to a change of use application, the required landscaped area will be sought where it is possible without structural alterations.*

**C29 Communal open space**

- A minimum of 5% of the site area must be provided as communal open space to cater for staff recreation and informal social interaction.*

- ii. Communal open space must be located close to indoor dining areas (if applicable) to encourage greater use of the outdoors.
- iii. If an existing site is to be refurbished or is subject to a change of use application, the 5% communal open space will be sought if there is unused land available or excess parking.

The development retains a large portion of the front setback of the existing development, however the front boundary setback has been reduced due to the required road widening. The development includes a landscaped area measuring approximately 4 to 8 metres wide along the entire Princes Highway frontage of the site which is acceptable.

The site is a corner site and has a secondary frontage to Smith Street. A continuous landscaping strip is providing along much of the secondary frontage, with the exception of some narrow portions with the setback being reduced as a result of the widened footpath and cycleway. Considering the circumstances, the proposed landscaping is acceptable.

The development includes an internal kitchen and lunch room for staff on the ground floor level. Given the significant site coverage proposed and the retention of the existing heritage portion of the building, there is not sufficient space on site to provide 5% of the site for communal landscaping. The front setback provides approximately 750sqm of landscaping, however this is not suitable for communal open space as its proximity to the Princes Highway would make it undesirable. The non-compliance with the 5% communal open space control is acceptable given the site circumstances.

A landscape maintenance schedule was not submitted with the application. If the proposal were to be supported a condition could be imposed on any consent granted requiring the submission of a landscape maintenance schedule, however the application is not supported on traffic grounds.

(xii) Tree Management (Part 2.20)

The application seeks consent for the removal of a total of 25 trees from the site protected under MDCP 2011, including the following:

**Street trees along Princes Highway**

- 7 x *Melaleuca bracteata* (black tea tree)

**Trees on subject property**

- *Harpephyllum caffrum* (African wild plum) near the main building entrance. It is in generally fair condition with a ULE of 15 to 40 years. Its landscape significance is moderate to high and its retention value is moderate
- Approximately 18 trees along the Smith Street frontage of the property, most of which are *Corymbia maculata* (spotted gums). They are in generally good condition with ULEs of 15 to 40 years, and possibly longer. Their landscape significance is moderate to high and their retention value is moderate.
- 3 x *Corymbia maculata* (spotted gums) on the right hand side of the driveway entrance of Smith Street. These are generally in similar condition and have similar retention value to the trees along the Smith Street frontage.
- A number of trees along the northern boundary.



The application was referred to Council's Tree Management Officer (TMO) who initially recommended that the application be refused, making the following comments:

1. *The removal of the seven street trees along Princes Highway will not be supported.*
2. *The existing arborist report is not acceptable as it fails to address the minimum requirements detailed in Appendix 1, Part 2.20 of MDCP 2011, most importantly the requirement to provide tree retention values.*
3. *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.*

It was recommended that the applicant:

1. *Amend the plans to incorporate the retention of the 7 street trees along the Princes Highway.*
2. *Provides an amended arboricultural report that addresses the minimum requirements of Appendix 1, Part 2.20 of MDCP 2011.*
3. *Reviews and amends the landscape plan to ensure that the existing trees that are removed are adequately and appropriately compensated for and that the urban forest canopy is increased significantly above existing levels.*

Subsequent to that letter, the applicant sought a meeting with Council to discuss the issues raised. An amended arborist report and landscape plan were provided to Council on 11 December 2017. The amended package was reviewed by Council's TMO who made the following additional comments, in summary:

*"In summary, the loss of the seven established street trees is not supported, despite the proposed compensatory tree planting. The loss of all existing trees on the subject property is not supported, particularly without adequate compensation. The proposed five new trees along Smith Street do not provide adequate compensation for the trees that are proposed to be removed.*

*However, it is acknowledged that the amended landscape plan would provide a better urban forest outcome than the previous landscape plan."*

Notwithstanding the comments from Council's TMO, it is acknowledged that the widening of Princes Highway and Smith Street will result in a loss of established street trees and this is unavoidable. The amended landscape plan proposes 8 *Corymbia citriodora* (lemon-scented gums) along the Princes Highway frontage and another 5 lemon-scented gums along the Smith Street frontage. Considering the industrial nature of the site, the expansive driveway and undercroft area restricting the opportunity for deep soil planting on site, and the removal of the existing street trees in return for the proposed shared pedestrian and cycleway, the provision of compensatory planting is considered acceptable.

To ensure that the proposed landscaping satisfies the recommendations made with the submitted Arborist's Report, a condition should be imposed on any consent granted requiring detailed plans being submitted to the satisfaction of the Certifying Authority, endorsed by a qualified Arborist, demonstrating adequate planting conditions being provided for all proposed trees and any necessary measures being incorporated into the development to ensure the ongoing health of the proposed landscaping.

The application is acceptable with regard to tree management subject to the imposition of the above conditions however the proposal is not supported on traffic grounds.

(xiii) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.



**Part 3 – Subdivision, Amalgamation and Movement Networks**

Part 3.2.1 of MDCP 2011 prescribes objectives and controls relating to Torrens title subdivision.

The application involves a minor boundary adjustment to the site in order to facilitate a slip lane from the Princes Highway to Smith Street. The boundary adjustment equates to approximately 1,000sqm.

The boundary adjustment is acceptable having regard to Part 3.2.1 of MDCP 2011 in that:

- The boundary adjustment will not compromise any significant site features, with the existing heritage listed building at the front of the site being retained;
- The boundary adjustment is consistent with the site topography and natural and physical features of the site, the services to the site, vegetation, easements, stormwater management and vehicular access; and
- A splay is provided to the corner of Princes Highway and Smith Street.

The development is acceptable having regard to Part 3 of MDCP 2011.

**Part 6 – Industrial development**

The following comments are provided where concerns are raised with the development in respect of the relevant controls within Part 6 of MDCP 2011.

(xiv) General Industrial Controls (Part 6.1)

**Floor Space Ratio**

As indicated previously within this report, the proposed development complies with the floor space ratio development standard contained within MLEP 2011. Despite the non-compliance, the applicant has demonstrated that the proposed development still satisfies the objectives of the standard and the zone and is considered acceptable in this regard.

**Site Area and Frontage**

The application included vehicle movement diagrams which demonstrate the site can accommodate the proposed use and heavy vehicle movements necessary to service the proposed development. Furthermore, the site has a frontage which exceeds the 20 metre minimum prescribed under Part 6.1.2.3 of MDCP 2011. The application is considered acceptable in this regard.

**Site Layout and Amenities**

The proposed site layout and amenities, including landscaping are considered generally acceptable and satisfy the objectives of Part 6.1.2.4 of MDCP 2011.

**Built Form and Character**

The development generally complies with the controls contained in Part 6.1.2.5 in that:

- The maximum height of the building is consistent with the height of other industrial buildings in the immediate vicinity, including the existing developments to the east of the site and the existing IKEA building to the north of the site.
- The development is consistent with Council's controls relating to urban design, solar access, privacy and residential/industrial interface.

- The development complies with Clause 6.6 of MLEP 2011 in relation to the Obstacle Limitation Surface and has been supported by Sydney Airport Corporation.
- All rooftop or exposed structures including lift motor rooms, plant rooms, air-conditioning, ventilation or exhaust systems are suitably screened and integrated with the building. No rooftop plant and services are located on the southern side of the building adjoining the residential accommodation on Smith Street.

### **Building Design and Appearance**

The proposal includes the retention of the existing building elements which front the Princes Highway and Smith Street. The new works are located within the rear corner of the site and are considered to reflect the built form and appearance of the surrounding industrial development.

All external walls are proposed to be graffiti resistant. A condition to this effect could be imposed on any consent granted if the proposal were to be supported. Furthermore, the change in colour of the new works has been discussed earlier in this report, and subject to changes as detailed, the application is considered acceptable in this regard.

### **Setbacks**

The proposal provides a variable front setback which ranges between approximately 10 metres to 13 metres. The Smith Street setback will be approximately 2.5 metres after the completion of the proposed road widening and boundary adjustment. The existing rear setback will be retained at approximately 13 metres.

The front setback retains the existing heritage item and is considered acceptable. Part 6.1.2.7 of MDCP 2011 prescribes a secondary frontage setback of 1.5 metres. In addition, industrial allotments which adjoin residential buildings must be designed appropriately to protect the amenity of those buildings. The proposal maintains the existing separation between the existing industrial building and the adjoining residential properties. Whilst the development proposes to remove the existing landscaping to accommodate the new road widening, the application includes the provision of mature planting to partially screen the existing side elevation.

The proposed landscaping is considered acceptable in maintaining the amenity of the adjoining residential properties.

### **(xv) Industrial/Residential Interface**

### **Plan of Management**

The site adjoins residential accommodation on the opposite side of Smith Street to the south of the premises and therefore requires a Plan of Management (POM) in accordance with Control C40 within Part 6.2.1 of MDCP 2011.

Notwithstanding this, it is considered that the premises is capable of operating without causing unreasonable amenity impacts for nearby residents and should any impact on the amenity of neighbouring premises occur, appropriate procedures are in place to resolve such issues.

If the proposal were to be supported, a condition could be included in the recommendation requiring that a detailed Plan of Management be submitted to and approved by Council prior to the release of an Occupation Certificate which details how the facility will be managed so as to limit adverse amenity impacts upon nearby residential premises, with regard to noise generation, hours of operation and employee conduct, however the proposal is not supported on traffic grounds

Furthermore, appropriate conditions of consent could be imposed on any consent granted to protect the amenity of the adjoining residential amenity if the proposal were to be supported.

## Noise and Vibration Generation

Part 6.2.2 of MDCP 2011 prescribes controls for industrial uses that are located nearby residential accommodation, the development is acceptable and demonstrates compliance with Part 6.2.2 of MDCP 2011 in that:

- An Acoustic Report was submitted with the application that demonstrates compliance with the relevant noise control guidelines. The Acoustic Report was reviewed by Council's Environmental Health Officer who raised no objection to the proposed development;
- There are no openings along the southern portion of the building, with the exception of the basement vehicular entry, which minimises noise disturbance; and
- The hours of operation are consistent with neighbouring uses and are not considered to be excessive given the nature of the use.

## Hours of Operation

Part 6.2.4 of MDCP 2011 contains objectives and controls relating to hours of operation. The application seeks consent to operate between the following hours:

Mondays to Fridays	6.00am to 10.00pm
Saturdays, Sundays and Public Holidays	6.00am to 7.00pm

Whilst there are a number of residential dwellings located on the opposite side of Smith Street, the area is zoned B6 Enterprise Corridor and there is a history of industrial use on the site. An Acoustic Report was submitted with the application which concludes that the operation of the business would not cause any offensive noise and complies with the relevant noise criteria guidelines. Notwithstanding, an assessment of operating hours of similar hardware and building supplies stores, including Bunnings, in the metropolitan area which have an interface with residential accommodation concludes that 9:00pm is generally the extent of evening operating hours permitted on these sites. Considering the interface with residential accommodation directly opposite the vehicular access to the basement car park on Smith Street, the operating hours until 10:00pm is considered excessive. As such, a condition could be imposed on any consent granted limiting the weekday operating hours to 6:00am to 9:00pm, however the proposal is not supported on traffic grounds. No concern is raised over the weekend hours.

It should be noted that the approved hours of operation of the adjoining IKEA store are 10.00am to 10.00pm Mondays to Fridays and 9.00am to 10.00pm weekends, however IKEA does not have a residential interface.

Subject to a reduction in the weekday operating hours until 9:00pm, the development is acceptable having regard to Part 6.2.4 of MDCP 2011.

## **Part 9 – Strategic Context**

The property is located in the Princes Highway Planning Precinct (Precinct 33) under Marrickville Development Control Plan 2011. The development is considered to be consistent with the desired future character of the area. No precinct specific or site specific controls relate to the subject site.

## **11. Marrickville Section 94/94A Contributions Plan 2014**

A Section 7.11 contribution of \$682,553.18 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

## 12. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 38 submissions were received in response to the original notification of the proposal.

During the assessment process the proposal was amended to address concerns raised by Council officers relating to vehicular access to the site and tree management. The amended proposal was notified in accordance with Council's Notification Policy and 70 submissions were received.

The submissions raise the following concerns which have already been discussed throughout the main body of this report:

- (i) Loss of on-street car parking;
- (ii) Concerns relating to quantity of car parking provided on site;
- (iii) Visual and acoustic privacy;
- (iv) Traffic generation and increased heavy vehicle movements;
- (v) Loss of heritage fabric;
- (vi) Removal of mature trees along Princes Highway;
- (vii) Concern that Smith Street is not suitable for heavy traffic, as a result of the proposed development
- (viii) Impact of queuing on Smith Street; and
- (ix) Amenity of adjoining residential accommodation.

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

**Issue:** Removal of bus stop currently located on Princes Highway

**Comment:** The application seeks consent to relocate the bus stop to accommodate the proposed slip lane from Princes Highway into Smith Street. If the proposal was to be supported a condition could be imposed on any consent granted requiring the applicant to seek approval from State Transit Authority for the relocation of the bus stop and shelter and a plan of the proposed bus shelter relocation with signposting alterations shall be submitted to the RMS and Council for approval before the issue of a Construction Certificate, however the proposal is not supported on traffic grounds.

**Issue:** Pedestrian safety and accessibility.

**Comment:** The signalised crossing at the top of Smith Street is being retained and no change to pedestrian access is proposed as part of this application, with the exception of a new traffic island to facilitate the slip lane. The existing footpath is to be reconstructed with a new shared bicycle/pedestrian path and no change to the existing pedestrian accessibility is proposed.

A number of resident submissions actively oppose the construction of a new shared path/cycleway. This is an adopted policy of Council and has been placed on public exhibition for comment.

**Issue:** Impact to the local street network in Tempe, with regard to traffic, increased heavy vehicle movements and access.

**Comment:** Concern is raised that traffic will increase on Union Street. Council's Traffic and Parking Services section has recommended refusal of the application as insufficient information has been provided to adequately assess the impact of the development on the local street network in relation to increased traffic.

**Issue:** Ingress/egress options on Princes Highway.

**Comment:** All works to the Princes Highway are governed by Roads and Maritime Services who have granted concurrence for the proposal.

**Issue:** Impact to the local street parking network in Tempe as a result of reduced on street car parking in Smith Street.

**Comment:** Council's Traffic and Parking Services section have recommended refusal of the application as insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the proposed development.

**Issue:** "Misrepresentation in the Social Impact Survey"

**Comment:** A number of submissions raise concern that local residents were not contacted by Bunnings prior to lodgement, as is suggested in the Social Impact Report. The application was reviewed by Council's Social Planner who was critical of the level of engagement with the community undertaken by Bunnings.

Notwithstanding, the application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. Local residents were provided an opportunity to comment on the development and a total of 108 submissions were received over 2 notification periods.

**Issue:** "Too many Bunnings in close proximity"

**Comment:** Whilst it is acknowledged that there are numerous Bunnings stores in metropolitan Sydney and some are relatively close to the subject site, there are no planning controls to prevent clustering for this type of use as this is regulated by the market.

All relevant matters raised in the submissions able to be considered under the provisions of Section 4.15 of the Environmental Planning and Assessment Act have been discussed in the report.

### 13. Conclusion

The application seeks consent to partially demolish the rear of the existing building, construction of 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. The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) State Environmental, State Environmental Planning Policy No. 64 – Advertising and Signage and State Environmental Planning Policy (Infrastructure) 2007

The proposal generally complies with the provisions of Marrickville Local Environmental Plan 2011 and Marrickville Local Environmental Plan 2011.

Notwithstanding, insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street



as a result of the development. Furthermore, insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

The application is unsupportable and in view of the circumstances, refusal of the application is recommended.

#### **PART E - RECOMMENDATION**

- A. **THAT** the development application to partially demolish the rear of the existing building, construction of 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 be **REFUSED** for the following reasons:
1. Insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development.
  2. Insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.
  3. In view of the above having regard to the traffic and parking impacts on the local road network, approval of the application would not be in the public interest.