



Section 96 Consent

Applicant: Bunnings Properties Pty Ltd
C/- Philip Drew
11 Shirley Street
ROSEHILL NSW 2142

Section 96 Consent No: MOD2016/0056

COPY

Approval Date: 13 December 2016

Modification of Development Consent No. LDA2015/0214 under Section 96 of the Environmental Planning and Assessment Act, 1979

Property:	459 & 461-495 Victoria Rd Gladesville	Lot 2 DP1008105 & Lot 300 DP 1194688
Development:	Demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre (no fitout proposed); construction of a child care centre for up to 90 children (no fitout or operational details proposed); two levels of car parking 'containing 909 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage.	

Section 96 Modification:

- Change to the staging of the Tennyson Road intersection access ramp from Stage 1 to Stage 2;
- New Entry/Exit the western end of College Street to the Level 1 car parking under the Bunnings Warehouse;
- Modification of Frank Street entry/exit;
- Amendments to the approved building envelope including a variation to the bagged good canopy area;
- Minor amendments to the widening of Frank Street/Victoria Road intersection;
- Variation to the approved child care centre building envelope including an increase in gross floor area (GFA) from 940m² to 1271m² in order to increase the child capacity from 50 children to 90 children;

- **Changes to the Bunnings Warehouse layout including the car parking layout (total car parking increase from 900 spaces to 909), location of lifts, and relocation of the mezzanine level;**
- **Amendment to the staging of the monetary contribution required under Council's Section 94 Contribution Plan; and**
- **Amendment to RMS conditions to clarify when documentation needs to be submitted to the RMS.**

The City of Ryde as the Consent Authority pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended) hereby consents to the modification of Local Development Application No. LDA2015/0214 dated 28 October 2015 subject to the insertion of the **bold and italicised** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

1. **Approved Plans and Documents:** Except where otherwise provided in this consent, the development is to be carried out generally in accordance with the following plans (stamped approved by Council) and support documents:

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Cover Sheet	1277	7.05.15 11.02.16	Drawing No. 001 Amendment A-B
Demolition Plan	1277	7.05.15	Drawing No. 005 Amendment A
Demolition Plan – Trees to be removed	1277	7.05.15	Drawing No. 006 Amendment A B
Site Outline	1277	11.02.16	Drawing No. 010 Amendment B
Stage 1 Floor Plan Carpark Level 2	1277	17.08.15 11.02.16	Drawing No. 030 Amendment C-D
Stage 1 Floor Plan Carpark Level 1	1277	17.08.15 11.02.16	Drawing No. 0031 Amendment B C
Stage 1 Floor Plan Warehouse Level 2	1277	17.08.15 11.02.16	Drawing No. 032 Amendment B C
Stage 1 Floor Plan Warehouse Level 1	1277	17.08.15 11.02.16	Drawing No. 033 Amendment B C
Site Plan/Roof Plan Stage 1	1277	17.08.15 11.02.16	Drawing No. 034 Amendment B C
Stage 1 Elevations	1277	17.08.15 11.02.16	Drawing No. 035 Amendment B C
Areas Diagram Stage 1	1277	17.08.15 11.02.16	Drawing No. 036 Amendment B-D
Areas Diagram Stage 1	1277	17.08.15 11.02.16	Drawing No. 037 Amendment B C
Stage 2 Floor Plan Carpark Level 2	1277	17.08.15 11.02.16	Drawing No. 040 Amendment C-D
Stage 2 Floor Plan Carpark Level 1	1277	17.08.15 11.02.16	Drawing No. 041 Amendment B C
Stage 2 Floor Plan Warehouse Level 1	1277	17.08.15 11.02.16	Drawing No. 042 Amendment B C
Stage 2 Floor Plan Warehouse Level 2	1277	17.08.15 11.02.16	Drawing No. 043 Amendment B C

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Site Plan/Roof Plan Stage 2	1277	17.08.15 11.02.16	Drawing No. 044 Amendment B C
Stage 2 Elevations	1277	17.08.15 11.02.16	Drawing No. 045 Amendment B C
Areas Diagram Stage 2	1277	17.08.15 11.02.16	Drawing No. 046 Amendment B-D
Areas Diagram Stage 2	1277	17.08.15 11.02.16	Drawing No. 047 Amendment B C
Site Plan Stage 3 Parking Level 2	1277	17.08.15 11.02.16	Drawing No. 050 Amendment C-D
Site Plan/Floor Plan Stage 3 Floor Plan Carpark Level 1	1277	17.08.15 11.02.16	Drawing No. 051 Amendment B C
Site Plan/Floor Plan Stage 3 Floor Plan Warehouse Level 1	1277	17.08.15 11.02.16	Drawing No. 052 Amendment B C
Site Plan/Floor Plan Stage 3 Floor Plan Warehouse Level 2	1277	17.08.15 11.02.16	Drawing No. 053 Amendment B C
Site Plan/Roof Plan Stage 2	1277	17.08.15 11.02.16	Drawing No. 054 Amendment B C
Areas Diagram Stage 3	1277	17.08.15 11.02.16	Drawing No. 055 Amendment C-D
Areas Diagram Stage 2	1277	17.08.15 11.02.16	Drawing No. 056 Amendment B C
Floor Plan Carpark Level 2	1277	17.08.15 11.02.16	Drawing No. 100 Amendment B C
Floor Plan Carpark Level 1	1277	17.08.15 11.02.16	Drawing No. 101 Amendment B C
Floor Plan Warehouse Level 1	1277	17.08.15 11.02.16	Drawing No. 102 Amendment B C
Floor Plan Warehouse Level 2	1277	17.08.15 11.02.16	Drawing No. 103 Amendment B C
Floor Plan Foundation Space Level	1277	17.08.15 11.02.16	Drawing No. 104 Amendment B C
Floor Plan Homemaker Parking	1277	17.08.15 11.02.16	Drawing No. 105 Amendment B C
Floor Plan Homemaker Level 1	1277	07.05.15 11.02.16	Drawing No. 106 Amendment A B
Floor Plan Homemaker Level 2	1277	17.08.15 11.02.16	Drawing No. 107 Amendment B C
Floor Plan Bunnings Roof Plan	1277	17.08.15 11.02.16	Drawing No. 110 Amendment B C
Floor Plan Homemaker Roof Plan	1277	17.08.15 11.02.16	Drawing No. 111 Amendment B C
Bunnings Sections Stage 3	1277	07.05.15 11.02.16	Drawing No. 120 Amendment A-B
Homemaker Sections	1277	07.05.15	Drawing No. 121 Amendment A
Bunnings Sections	1277	07.05.15	Drawing No. 122 Amendment A-B

Architectural Plans – Prepared by John R Brogan & Associates			
Document Description	Project No.	Date	Plan No/Reference
Stage 3		11.02.16	
Section Detail	1277	07.05.15	Drawing No. 123 Amendment A
Elevation Stage 1	1277	07.05.15 11.02.16	Drawing No. 130 Amendment A-B
Elevation Stage 3	1277	07.05.15 11.02.16	Drawing No. 131 Amendment A B
Elevation Stage 1	1277	07.05.15 11.02.16	Drawing No. 132 Amendment A-B
Shadow Diagram	1277	07.05.15	Drawing No. 200 Amendment A
Floor Plan Detail Bunnings Waste Recycling	1277	07.05.15	Drawing No. 300 Amendment A
Floor Plan Detail – Waste Recycling for Child Care Centre Tenancy Shell	1277		Drawing No. 301 Amendment A
Plan Detail Bulky Goods Waste Recycling	1277		Drawing No. 302 Amendment A

Engineering Plans – C & M Consulting Engineers		
Document Description	Drawing No.	Revision
General Arrangement Plan Parking Level 2 Stage 1	01155_211	Revision 3
General Arrangement Plan Parking Level 1 Stage 1	01155_212	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 1	01155_213	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 1	01155_214	Revision 3
General Arrangement Plan – Roof – Stage 1	01155_215	Revision 3
General Arrangement Plan Parking Level 2 - Stage 2	01155_221	Revision 3
General Arrangement Plan Parking Level 1 - Stage 1	01155_222	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 2	01155_223	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 2	01155_224	Revision 3
General Arrangement Plan – Roof – Stage 2	01155_225	Revision 3
General Arrangement Plan Parking Level 2 - Stage 3	01155_231	Revision 3
General Arrangement Plan Parking Level 1 - Stage 3	01155_232	Revision 3
General Arrangement Plan Warehouse Level 1 – Stage 3	01155_233	Revision 3
General Arrangement Plan Warehouse Level 2 – Stage 3	01155_234	Revision 3
General Arrangement Plan – Roof – Stage 3	01155_235	Revision 3

Engineering Plans – C & M Consulting Engineers		
Document Description	Drawing No.	Revision
Ramp Longitudinal Section – Ramp No. 1, 2 and 3	01155_301	Revision 1
Ramp Longitudinal Section – Ramp No. 4 and 5	01155_302	Revision 1
Ramp Longitudinal Section – Ramp No. 6	01155_303	Revision 1
Typical Sections	01155_351	Revision 1
Typical Sections	01155_352	Revision 1
Stormwater Drainage OSD Tank No. 1 & General Details	01155_651	Revision 1
Stormwater Drainage OSD Tank No. 2 and 3 Details	01155_652	Revision 1
Sediment & Erosion Control Plan	01155_701	Revision 1
Sediment & Erosion Control Plan	01155_751	Revision 1

Landscape Plan – John Lock & Associates			
Document Description	Drawing No.	Date	Revision
Landscape Plan – Stage 1	2203 LP-00	7.09.15 04.03.16	Revision G-H
Landscape Plan – Stage 1, 2, & 3	2203 LP-01	7.09.15	Revision G
Landscape Elevations – Stage 1	22-3 LP-02.1	5.05.15	Revision F
Landscape Elevations – Stage 1	22-3 LP-02	5.05.15	Revision F
Landscape Elevations – Stage 1	22-3 LP-03	5.05.15	Revision F

Road Widening Works - AT&L			
Document Description	Drawing No.	Project No.	Issue No.
General Arrangement Plan	DAC001	11-58	P5-P7
Functional Layout Plan – Sheet 1	DAC002	11-58	P4 P6
Functional Layout Plan – Sheet 2	DAC003	11-58	P3 P5
Functional Layout Plan – Sheet 3	DAC004	11-58	P3
Vehicle Turn Path – Sheet 1	DAC005	11-58	P6
Vehicle Turn Path – Sheet 2	DAC007	11-58	P3
Frank Street Extends of Turning Lane Extension Plan	SKC44	11-58	P1
Stage 2 – Site Plan	SKC45	11-58	P1

Subdivision Plans – Craig and Rhodes		
Document Description	Drawing No.	Date
Plan of Proposed Subdivision LOT 1 D.P. 739556	191-10G L02 [00] - 001	18.01.12
Plan of Proposed (Stratum) Subdivision LOT 3 D.P. 388518	191-10G L01 [00] - 01	20.09.12

List of Consultant Documentation		
Report	Prepared by	Date
Statement of Environmental Effects	DFP Planning Pty Ltd	May 2015
Assessment of Traffic and Parking	Transport and Traffic	May 2015

List of Consultant Documentation		
Report	Prepared by	Date
Implications	Planning Associates	
Stormwater Management Plan Report No. R01155-SWMP Revision C	C&M Consulting Engineers Pty Ltd	April 2015
Flood Risk Assessment	Cardno (NSW/ACT) Pty Ltd	08.05.15
Tree Assessment Report	Abel Ecology	23.03.15
Flora and Fauna Report	Abel Ecology	26.03.15
Statement of Environmental Effects – Section 96(1A) Application to Modify Development Consent No. LDA2015/0214	DFP Planning Pty Ltd	18 March 2016
Assessment of Traffic and Parking Implications – S96 Application	Transport and Traffic Planning Associates	March 2016 Rev D

The following conditions refer to the stages of development as detailed in the above approved plans i.e. Stage 1: Construction of Bunnings Warehouse; Stage 2: Construction of Bulky Goods Tenancies (south); and Stage 3: Construction of Bulky Goods Tenancies (north).

For Stage 1, the conditions refer to the issuing of Construction Certificates in accordance with the following:

- #1: Excavation, in-ground services/footings and retaining walls;
- #2: car parking levels;
- #3: retail levels and roof; and
- #4: internal fitout.

6. **Trial Full Closure – Review.** The trial full closure of College Street, in accordance with conditions 4 and 5, shall be reviewed after 12 months of operation of *the Bunnings store Stage 2 Tennyson Road intersection (per Dwg No. 043, Amd No. C, dated 11.02.16)* and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies.

The report detailing the outcome of the review shall be provided by the applicant and submitted to and approved by Council and RMS for the implementation of the preferred treatment of College Street. All alterations and/or formalisation of College Street shall be undertaken by the applicant at no cost to Council.

32. **Section 94 – Stage 1.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Occupation Certificate for Stage 1:

A – Contribution Type	B – Contribution Amount	
Community & Cultural Facilities	\$411,550.56	\$203,245.74
Open Space & Recreation Facilities	\$NIL	\$-
Civic & Urban Improvements	\$654,473.12	\$323,293.45
Roads & Traffic Management Facilities	\$151,078.40	\$73,320.78
Cycleways	\$55,745.36	\$27,508.88
Stormwater Management Facilities	\$208,762.88	\$101,275.86
Plan Administration	\$15,213.36	\$7,355.96
The total contribution is	\$1,496,823.68	\$736,000.67

The components of the Section 94 levy that fall both within the category of 'Civic – Urban Improvements' and form part of the works required by conditions 47 and 48, may be offset by works-in-kind in accordance with section 2.9 of the Section 94 Contribution Plan.

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

32A. Section 94 – Stage 2. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Construction Certificate for Stage 2:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$111,488.21
Open Space & Recreation Facilities	\$-
Civic & Urban Improvements	\$177,323.57
Roads & Traffic Management Facilities	\$43,244.37
Cycleways	\$15,092.61
Stormwater Management Facilities	\$59,732.19
Plan Administration	\$4,045.03
The total contribution is	\$410,925.98

The components of the Section 94 levy that fall both within the category of 'Civic – Urban Improvements' and form part of the works required by conditions 47 and 48, may be offset by works-in-kind in accordance with section 2.9 of the Section 94 Contribution Plan.

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics

(Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

- 32B. Section 94 – Stage 3. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Construction Certificate for Stage 3:**

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$97,538.07
Open Space & Recreation Facilities	\$-
Civic & Urban Improvements	\$155,154.54
Roads & Traffic Management Facilities	\$34,148.79
Cycleways	\$13,200.57
Stormwater Management Facilities	\$47,168.73
Plan Administration	\$3,526.71
The total contribution is	\$350,737.41

The components of the Section 94 levy that fall both within the category of 'Civic – Urban Improvements' and form part of the works required by conditions 47 and 48, may be offset by works-in-kind in accordance with section 2.9 of the Section 94 Contribution Plan.

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

- 43. Works on Victoria Road/Tennyson Road Intersection.** The proposed fourth leg of the Traffic Control Lights at the intersection of Victoria Road/Tennyson Road shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (ICS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of Construction Certificate #2 for Stage 4 **2** and commencement of road works.

Works associated with the provision of access to the site via Tennyson Road, including Works to Traffic Control Lights and utilities, are to be carried out at no cost to Roads and Maritime.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works prior to the release of Construction Certificate #2 for Stage 4 **2**. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

75. **RMS Approval of Site and Support Structures.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction **at the relevant stages adjoining Victoria Road** and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

If it is necessary to *excavate* below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least *seven* (7) days notice of the intention to *excavate* below the base of the footings. The notice is to include complete details of the work.

76. **RMS Stormwater Drainage System.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works, **that drain to Victoria Road or alter existing drainage along Victoria Road.**

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

104. **Intersection works – Stage 1. Tennyson Road and** Frank Street site access and traffic signal adjustments are to be to operational (at no cost to Council) prior to the occupation of the Bunnings Warehouse building approved as part of the Stage 1 construction works.

104A. **Intersection works – Stage 2 and 3. Tennyson Road site access and traffic signal adjustments are to be operational (at no cost to Council) prior to the occupation of the bulky goods retail building approved as part of Stage 2**

~~105. Closure of South-Eastern College Street Access. Prior to the issue of any Occupation Certificate for Stage 3, the south-eastern College Street access (located to the south-east of the trial road closure point), is to be closed and removed.~~

105. **Closure of the College Street Eastern Access Ramp. Within six months of the permanent closure of the existing Childcare Centre in the Stage 3 area of the site, the applicant shall permanently physically close the existing vehicle and pedestrian access via the College St Eastern Access Ramp (opposite Orient St) including all works necessary to remediate the College St roadway, kerb, footpath, verge and fencing, effectively removing any access to the Bunnings site from the residential (eastern) section of College St.**

All works shall be undertaken by the applicant at no cost to Council.

120. **Stratum Subdivision.** The approved stratum subdivision shall be lodged with LPI prior to the issue of any Occupation Certificate for Stage 4 2. Evidence of lodgement shall be provided to the Principal Certifying Authority.

143. **Childcare Centre Parking. The stacked/ tandem parking spaces allocated for the childcare centre are to be utilised by childcare centre staff only. This is to ensure that access to the spaces can be managed at all times, without imposition to the public. To ensure this, the spaces are to be clearly linemarked/ signposted as "Childcare Centre Staff parking only", or wording to that effect and implemented throughout operation of the childcare centre.**

You are advised that failure to observe any condition of approval set out in the consent is an offence and Council may institute legal proceedings.

You are advised of your right of appeal to the Land and Environment Court under Section 97AA of the Environmental Planning & Assessment Act, 1979, and your right of review under Section 96AB within 6 months after you have received the Consent.



Rebecca Lockart
Assessment Officer - Senior Town Planner