

Sydney North Planning Panel

Panel Reference	2017SNH039
DA Number	MOD2017/0078 to modify LDA2015/0214
Local Government Area	City of Ryde
Approved 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.
Proposed Modification	The modifications include the following: • Changes to the building footprint with associated setbacks to streets; • Changes to the vehicular access points to Bunnings Warehouse; • Reduction of the gross floor area and height of Bunnings Warehouse; • Other consequential design modifications.
Street Address	459 & 461-495 Victoria Road, Gladesville
Applicant	Bunnings Properties Pty Ltd
Owners	Bunnings Properties Pty Ltd – 461-495 Victoria Road, Gladesville. Salvatore and Anna Circosta – 459 Victoria Road, Gladesville.
Number of Submissions	14 submissions received
Regional Development Criteria (Schedule 4A of the Act)	Modification applications for regionally significant development under Section 96(2) of the EP&A Act
List of All Relevant s79C(1)(a) Matters	• Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy No. 64 Advertising and Signage • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Infrastructure) 2004

	• Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014; and • Section 94 Development Contributions Plan 2007.
List all documents submitted with this report for the panel's consideration	• Attachment 1: Conditions of consent in respect of MOD2017/0078 • Attachment 2: Original conditions of consent – LDA2015/214 • Attachment 3: Conditions of consent of previous MOD2016/0056
Recommendation	Approval with Conditions
Report by	Rebecca Lockart Senior Town Planner
Report dated	7 July 2017

Summary of s79C matters	
Have all recommendations in relation to relevant s79C 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?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

This report considers a Section 96(2) application under the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify the approved development at 459, 461-495 Victoria Road, Gladesville.

Original Consent

On the 28 October 2015, consent was granted to LDA2015/0214 following consideration of the application by the Sydney East Joint Regional Planning Panel (JRPP). Approval was granted for:

- 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 50 children (no fitout or operational details proposed);
- Two levels of car parking containing 900 parking spaces,
- Vehicular access from Frank Street and Victoria Road,
- Temporary vehicular access from College Street,
- Road works in Frank Street, College Street and Victoria Road,
- Trial closure of College Street,
- Removal of trees and landscaping works; and
- Stratum subdivision and signage.

The approved development includes three construction stages as approved are outlined below:

- i. Staged Demolition and Bulk Earth Works
- ii. Stage 1 Construction of Bunnings Warehouse and Access Arrangements including:
 - Trial full closure of College Street
 - Construction of child care centre 'shell'
 - Widening of Frank Street for a length of approx. 50m from Victoria Road
- iii. Stage 2 Construction of Bulky Goods Tenancies (South) and Access Arrangements including:
 - Construction of the fourth leg of the Victoria Road/Tennyson Road intersection including the ramp and the vehicular access way linking to Parking Level 2 under the Bunnings Warehouse.
- iv. Stage 3 Construction of Bulky Goods Tenancies (North) and Finalisation of all Access Arrangements

Previous Modifications

This is the second Section 96 application to modify the approved development consent. A Section 96(1A) application MOD2016/0056 was approved by Council at its 13 December 2016 meeting which made the following amendments:

- Change to the staging of the Tennyson Road intersection access ramp from Stage 1 to Stage 2;
- New entry/exit at 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 1,272m² 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 Roads and Maritime Services (RMS) conditions to clarify when documentation needs to be submitted to the RMS.

Proposed modification

The modifications under this Section 96(2) relate predominantly to Stage 1 Construction of Bunnings Warehouse and Access Arrangements, involving the following amendments:

- Changes to the Bunnings Warehouse building footprint and associated setbacks to streets increased.
- Changes to the vehicular access points to Bunnings Warehouse including amendments to the number of vehicle access points and the areas of the development each driveway services.
- Relocation of the main entrance from the eastern elevation of the Bunnings Warehouse (facing internally within the site), to face Frank Street (western elevation).
- Provision of a pedestrian ramp from Frank Street (near the corner of Victoria Road) to the new main entrance.
- Reduction of the GFA of the Bunnings Warehouse from 18,100m² to 16,316m², overall Stage 1 from 27,445m² to 26,542m² and overall development from 37,088m² to 36,530m².
- Reduction in total parking spaces from 900 to 795.
- Reduction in the maximum building height of the development from RL62.4 to RL58.4.
- Relocation of the child care centre from Warehouse Level 1 and 2 to Car Park Levels 1 and 2 and change in GFA of the centre.
- Other consequential design modifications and changes to the approved signage.
- Amendments to the landscaping works in response to the changes to the building footprint, including removal of two (2) additional trees.

The reason for the proposed modification is primarily to move the Bunnings Warehouse building away from the retaining walls and batters to Victoria Road and Frank Street. The approved development would require excavation of the retaining walls adjacent to public roads, increasing the risk of damage associated with the excavation. The increased setbacks result in an amended building footprint and internal layout.

The amendments also seek to separate the customer vehicle entrance from the delivery vehicle/trade sales entry points to improve customer safety. The proposed amendments consider the lessons learned regarding the operational requirements of other two storey format stores such as East Chatswood, Castle Hill, and Kingsgrove.

The proposed amendments under this subject application affect some of the built form amendments made under the previous Section 96(1A) MOD2016/0056, however key elements will remain under this application including:

- Increased capacity of the child care centre from the original approval of 50 children, to 90 children.
- The delay of the Tennyson Road intersection access ramp from Stage 1 to Stage 2.
- The widening of Frank Street/Victoria Road intersection.
- The driveway at the western end of College Street is to be retained, and expanded to cater for deliveries and trade customers.
- Modification of main Frank Street entry/exit.
- Changing the review timeframes of the College Street temporary road closure. The previous modification changed this review from Stage 1 to Stage 2. This will not be affected under the subject Section 96.

The proposed modification does not propose any changes to the staging of the development. The proposed staging was assessed under the original approval and previous Section 96(1A) which was considered acceptable subject to compliance with the approved construction management conditions and methodologies. The staging of the construction aimed to address potential impacts on residential properties and the ongoing operation of businesses, including a child care centre at the site.

The approved development under LDA2015/0214 sought a departure from the maximum height limits that apply to the site, with the subsequent Section 96(1A) application MOD2016/0056 also involving minor building height variations. This proposal amends the building footprint of the Bunnings Warehouse and thus also seeks minor variations to the maximum height of building control for the site in additional isolated areas of the proposal, though to a lesser degree than the existing approved variations. The applicant has provided an assessment to demonstrate that flexibility to the height standard will result in an improved outcome for the development and surrounding area.

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

Summary of changes

The following **Table 1** provides a comparison of the key development statistics of the approved development and the proposed development under this subject application.

Table 1. Summary of proposed modification

Key Development Statistics	Original Approval	Approved Section 96 - MOD2016/0056	Proposed Section 96
Site Area	3.709 hectares	3.709 hectares	3.709 hectares
Building Height (max)	RL62.4 (to parapet of Bunnings Warehouse) RL59.10 (to parapet of Homemaker Centre)	No change.	RL60.35(to parapet of Bunnings Warehouse) RL59.10 (to parapet of Homemaker Centre)
GFA	37,088m ²	37,090m ²	36,530m ²
Floor Space Ratio (FSR)	0.99:1	1:1	0.98:1
Bunnings Warehouse	18,100m ²	18,095m ²	16,316m ²
Outdoor nursery	1,060m ² (not part of GFA)	1,060m ² (not part of GFA)	1,643m ² (not part of GFA)
Bagged goods	1,585m ²	1,862m ²	1,602m ²
Timber trade sales	3,038m ² (includes car parking for pick up)	3,038m ² (includes car parking for pick up)	3,246m ² (includes car parking for pick up)
Warehouse trade area, office & entry	13,477m ²	13,195m ²	11,463m ²
Homemaker Centre (bulky goods retailing)	16,548m ²	16,223m ² + 1,500m ² (storage in foundation area)	17,583m ² + 1,500m ² (storage in foundation area)
Child Care Centre GFA	940m ²	1,272m ²	1,137m ²
Child Care Centre children	50 children	90 children	90 children
Car Parking	900 spaces	909 spaces	795 spaces

Submissions

During the course of the assessment of the Section 96, Council received fourteen (14) submissions. The submissions raise concerns relating to two key matters being:

1. The temporary full closure of College Street; and
2. The new roundabout installed on corner of Monash and Buffalo Road.

No submissions were received specifically in relation to the changes proposed under this Section 96(2) application.

The proposed modification is considered substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified. The application in its current form will not give rise to significant or unreasonable impacts on the amenity of the adjoining residential or business properties.

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

2. APPLICATION DETAILS

Applicant: Bunnings Properties Pty Ltd

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

Estimated value of works: Not applicable.

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

3. SITE DESCRIPTION & CONTEXT

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

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

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



Figure 1: Site Location

The main portion of the site is 461-495 Victoria Road which has an area of 3.709 hectares. The other smaller parcel of land is identified as 459 Victoria Road and forms part of the site to assist with a new vehicular access point at the intersection of Victoria Road and Tennyson Road.

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



Figure 2: Aerial photograph of the site identifying existing vehicle access points

The site is a former quarry and as such the existing ground levels are significantly altered from the original ground levels and as a result the site sits well below the level of Victoria Road and parts of the College Street frontage. **Figure 3** below is an aerial photograph that identifies the existing buildings at the site and the change in level between the site and Victoria Road.



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

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

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



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

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

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



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

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

Ryde Aquatic Leisure Centre is located to the west of the site on the opposite side of Victoria Road and has a single storey presentation to Victoria Road, while Holy Cross College is to the northwest of the site.



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

4. SITE DETAILS

The site has a total area of 37,088m² which includes 461-495 Victoria Road, Gladesville and the proposal also relates to a small section of 459 Victoria Road, Gladesville.

5. PROPOSAL

5.1 Overview

The modifications under this Section 96(2) relate predominantly to Stage 1 Construction of Bunnings Warehouse and Access Arrangements, involving the following amendments:

- Changes to the building footprint, with associated setbacks to streets amended including:
 - Victoria Road setback increases from 6 m to 16.8 m.
 - Frank Street setbacks: increase from 19.1m to 28.9m for the main warehouse.
 - College Street setbacks:
 - increase from 5m to 16.6m for the timber trade sales area.
 - the 5m high acoustic wall around the goods receiving area has a minimum 5m setback, consistent with the 5m setback of the previously approved design.
- Changes to the vehicular access points to the Bunnings Warehouse including:

- Amendment of the first (main) Frank Street driveway (closest to Victoria Road) to the Level 1 Carpark to access customer parking only, with access to goods receiving deleted from this driveway.
 - Deletion of the second Frank Street driveway (near corner of Frank Street and College Street) which accessed the timber trade sales.
 - Redesign of previously approved College Street car park entrance accessing Car Park Level 1, to access the goods receiving area and timber trade sales area only.
- Relocation of the main entrance from the eastern elevation of the Bunnings Warehouse (facing internally within the site), to face Frank Street (western elevation) (See **Figure 8**).
- Provision of a pedestrian ramp from Frank Street (near the corner of Victoria Road) to the new main entrance.
- Reduction of the GFA of the Bunnings Warehouse from 18,100m² to 16,316m², overall Stage 1 from 27,445m² to 26,542m² and overall development from 37,088m² to 36,530m².
- Reduction in total parking spaces from 900 to 795.
- Reduction in the maximum building height of the Bunnings Warehouse from RL62.4 to RL60.35.
- The child care centre has been moved from Warehouse Level 1 and 2 to Car Park Levels 1 and 2 allowing a better relationship with the ground level at College Street, this has resulted in a change in GFA from 940m² under the original consent to 1,137m².
- Other consequential design modifications including:
 - Relocation of the goods receiving area from the north-western corner of the site (Frank Street/College Street frontage) to the north-eastern corner of Bunnings Warehouse (College Street frontage), with an associated 5m high acoustic wall (measured from the deck of the loading dock).
 - Adjustment to the location of the timber trades sales, bagged goods canopy and loading dock on the northern edge of the development.
 - Relocation of the mezzanine level staff amenities and office area.
- Changes to the approved signage, and one additional wall sign on the College Street/eastern internal elevation corner.
- Amendments to the landscaping works in response to the changes to the building footprint, including removal of two (2) additional trees.

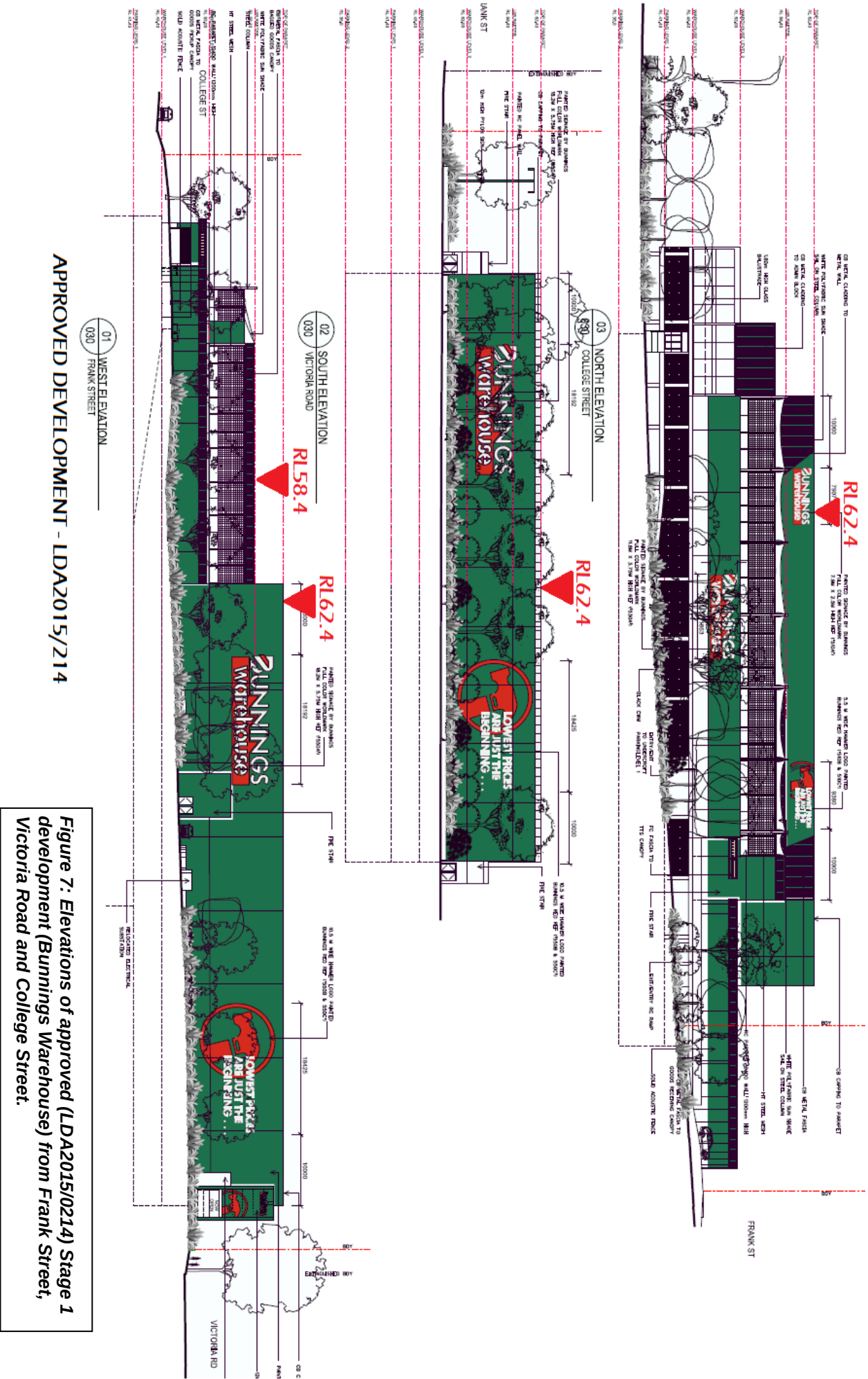


Figure 7: Elevations of approved (LDA2015/0214) Stage 1 development (Bunnings Warehouse) from Frank Street, Victoria Road and College Street.

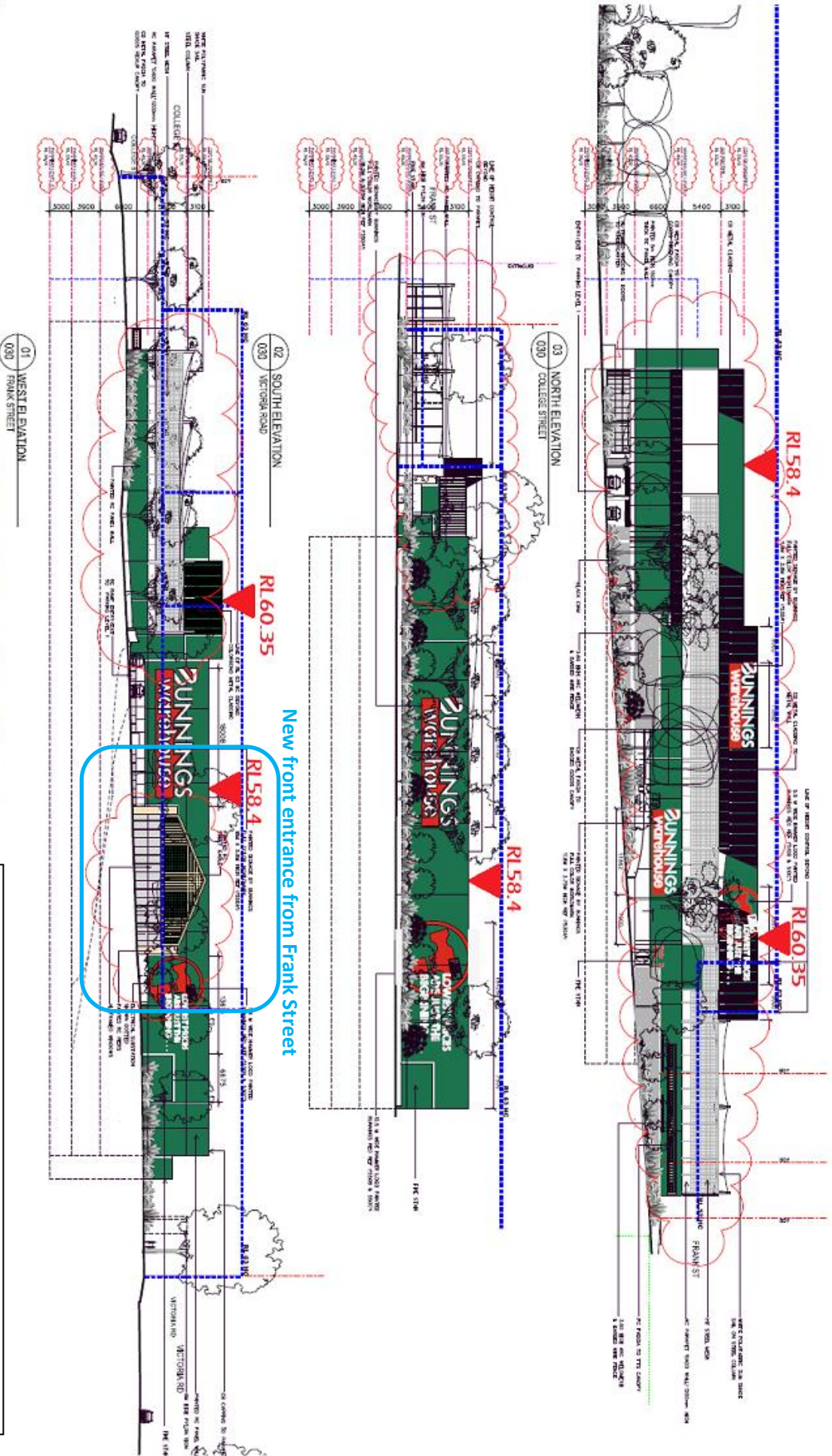


Figure 8: Elevations of proposed (MOD2017/0078) Stage 1 development (Bunnings Warehouse) from Frank Street, Victoria Road and College Street.

5.2 Changes to the Bunnings Warehouse building footprint and layout

Setbacks

The proposal seeks to amend the building footprint as identified at **Figure 9** and **Table 2**. Overall the proposed amendments result in increased setbacks from all street frontages of the development.

Table 2. Setbacks to street frontages

Setbacks	LDA2015/0214	MOD2016/0056	Proposed Modification
College Street	5m	5m	16.6m
Frank Street near corner of College Street	2.25m	1.9m	1.9m
Frank Street near corner of Victoria Road	20.4m	19.1m	28.9m
Victoria Road	6m	6m	16.8m



Figure 9: Changes to building setbacks

Gross Floor Area

The new building design will result in a reduction in GFA of:

- the Bunnings Warehouse from 18,100m² to 16,316m²;
- overall Stage 1 from 27,445m² to 26,542m²; and
- overall development from 37,088m² to 36,530m².

It is noted that while the overall GFA of the Bunnings Warehouse will reduce, the outdoor nursery and timber sales areas will increase by 583m² and 208m² respectively (which are not included in the calculation of GFA). Furthermore, the Homemakers Centre (Bulky goods retailing) in Stage 3 will increase by 1,360m², largely as a result of the amendments to the child care centre and relocation of the Bunnings store entrance which has caused a minor redesign of the western end of the Stage 3 tenancy layout.

Reduction in the maximum building height

The proposal includes amendments to the overall height of the building as a result of changes to the floor levels across the Bunnings Stage 1 development. The development will result in a reduction in the maximum building height of the Bunnings Warehouse from RL62.4 to RL60.35.

Table 3 below identifies the approved floor levels (under LDA2015/0214 and MOD2016/0056) compared with the proposed modification.

Table 3. Changes to finished floor levels of Bunnings Warehouse – Stage 1

Floor Level	Approved	Proposed
Warehouse Level 2	RL52.00	RL49.90
Warehouse Level 1	RL45.40	RL43.30
Car Park Level 1	RL41.40	RL39.40
Car Park Level 2	RL35.00	RL36.40

Other consequential design and layout modifications

While the design and layout of the Bunnings Warehouse will remain substantially the same (refer building layouts shown at **Figure 9**), a number of relatively minor resultant design amendments are proposed including:

- Relocation of the goods receiving area from the north-western corner of the site (Frank Street/College Street frontage) to the north-eastern corner of Bunnings Warehouse (College Street frontage), with an associated 5m high acoustic wall (measured from the deck of the loading dock).
- Adjustment to the location of the timber trades sales, bagged goods canopy and loading dock on the northern edge of the development.
- Relocation of the mezzanine level staff amenities and office area.

5.3 Changes to Bunnings Warehouse vehicular access points

The proposed amendment seeks to change the vehicular access points to the Bunnings Warehouse in Stage 1 of the development, including:

- Amendment to the first Frank Street driveway (closest to Victoria Road) to the Level 1 Carpark (noted as *Frank Street 1* at **Figure 10**), to access customer parking only with access to goods receiving deleted from this driveway.
- Deletion of the second Frank Street driveway (near corner of Frank Street and College Street) (noted as *Frank Street 2* at **Figure 10**) which accessed the timber trade sales.
- Redesign of previously approved College Street car park entrance accessing Car Park Level 1, to access the goods receiving area and timber trade sales area only (noted as *College Street 3* at **Figure 10**).
- New vehicle access point from College Street to access the Bunnings and child care centre car park (noted as *College Street 4* at **Figure 10**).

These changes are also outlined **Table 4** below.

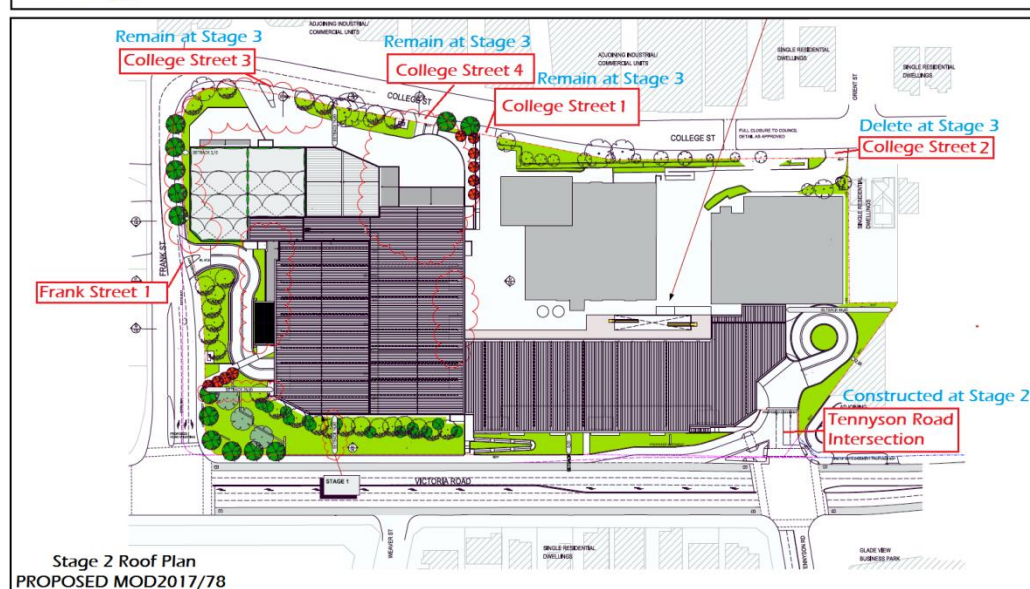
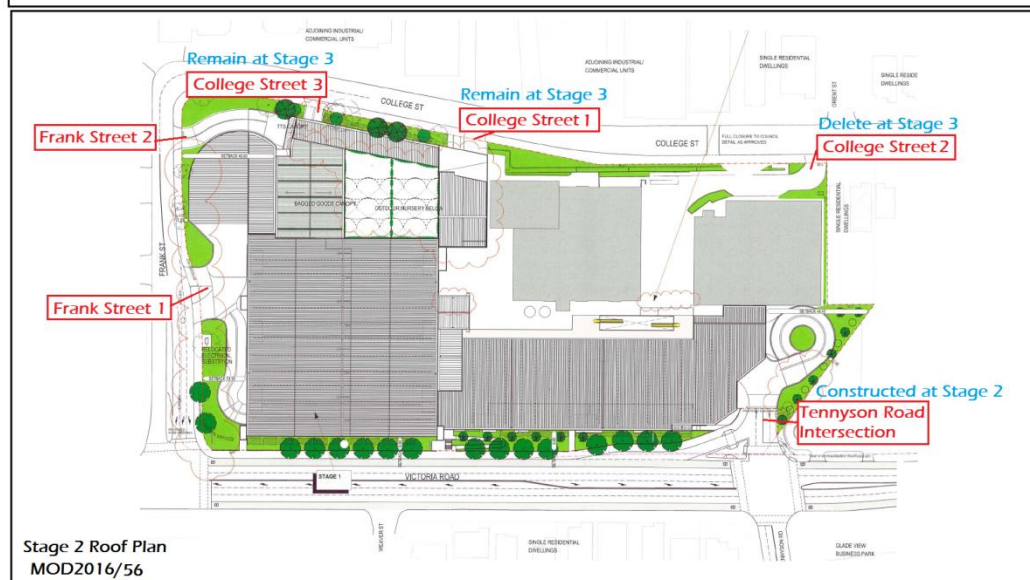
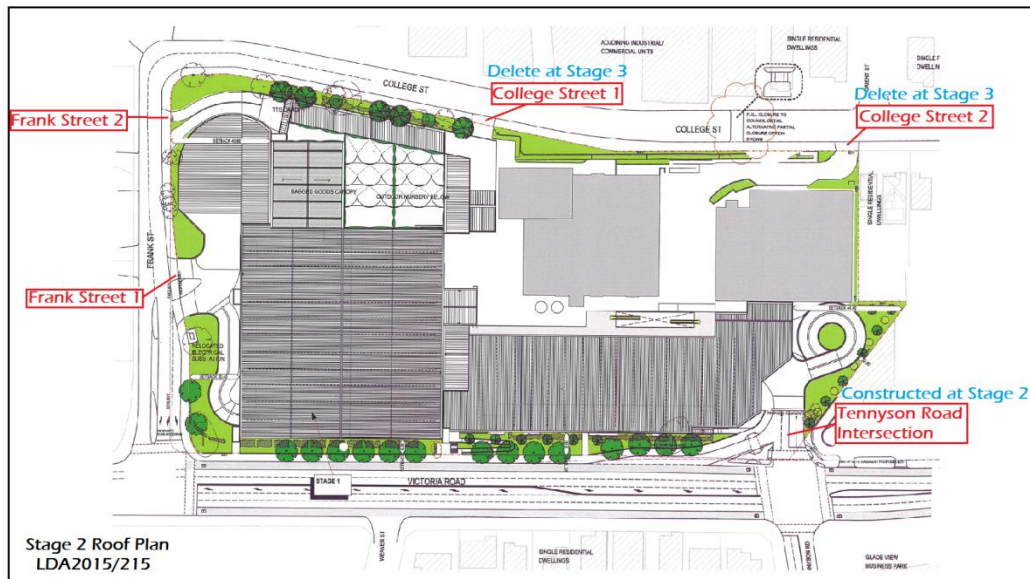


Figure 10. Driveway entry points of the development as approved (LDA2015/0214 & MOD2016/0056) and proposed (MOD2017/0078)

Table 4. Driveway access points – correspondeing with Figure 10

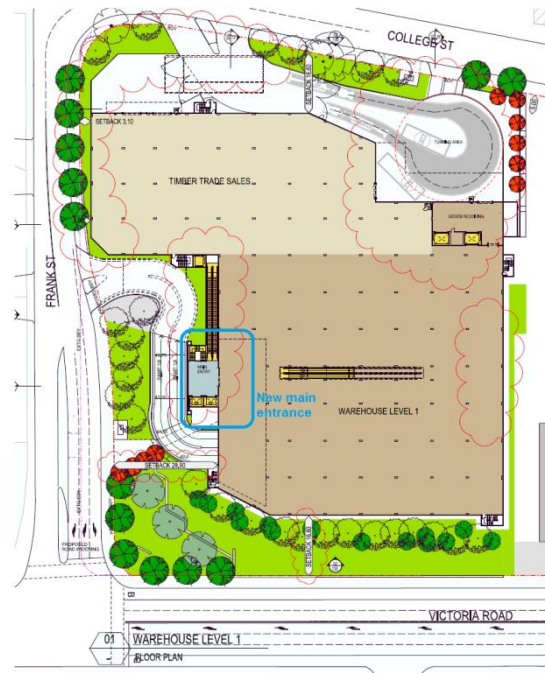
Driveway Access	LDA2015/0214	MOD2016/0056	MOD2017/0078	Comment
Access to existing buildings during Stages 1 and 2.	College Street 1 – to be removed at Stage 3. No access to Bunnings.	College Street 1 – driveway to remain at Stage 3. Stage 3 access to Bunnings and Bulky Goods warehouse.	College Street 1 – driveway to remain at Stage 3. Stage 3 access to Bunnings and Bulky Goods warehouse.	No change to previous modification (MOD2016/0056).
Access to the existing child care centre in the east of the site – to be removed at Stage 3	College Street 2	College Street 2	College Street 2	No change to original approved development.
Access to Bunnings basement parking & Child Care Centre Stage 1 - permanent to be constructed in Stage 1.	Frank Street 1 & Frank Street 2	Frank Street 1 & Frank Street 2, College Street 3.	Frank Street 1 & College Street 4	College Street 4 under the proposed application essentially provides the access previously provided by Frank Street 2 and College Street 3.
Access to the Goods receiving & Timber Trade Sales (i.e. deliveries and business/commercial customers) - permanent to be constructed in Stage 1.	Frank Street 1	Frank Street 1	College Street 3	Frank Street 1 was combined goods receiving and customer access under the first 2 applications. The proposed modification separates these uses to offer a safer and simpler access arrangement so customers, trade and deliveries do not use the same driveway access.

5.4 Relocation of main entrance.

The proposed amendments include the deletion of the main entrance to the Bunnings Warehouse from the east, with the main entrance relocated to be from Frank Street as shown at **Figure 11**. This is to enable better circulation and exposure of the store, and better functionality and accessibility for customers. The new entry/exit is designed to align with the redesigned Frank Street elevation and provide better pedestrian access from Frank Street and Victoria Road.



LDA2015/214 - Original approval



MOD2017/78 - Proposed modification

Figure 11. Main entrance location as approved (LDA2015/0214 & MOD2016/0056) and proposed (MOD2017/0078)

5.5 New pedestrian ramp from Frank Street

As a result of the changes to the levels of the development as outlined in **Table 3**, a pedestrian ramp is afforded from Frank Street to the Level 2 Warehouse level shown at **Figure 12**. The new pedestrian ramp will provide improved pedestrian access to the site.

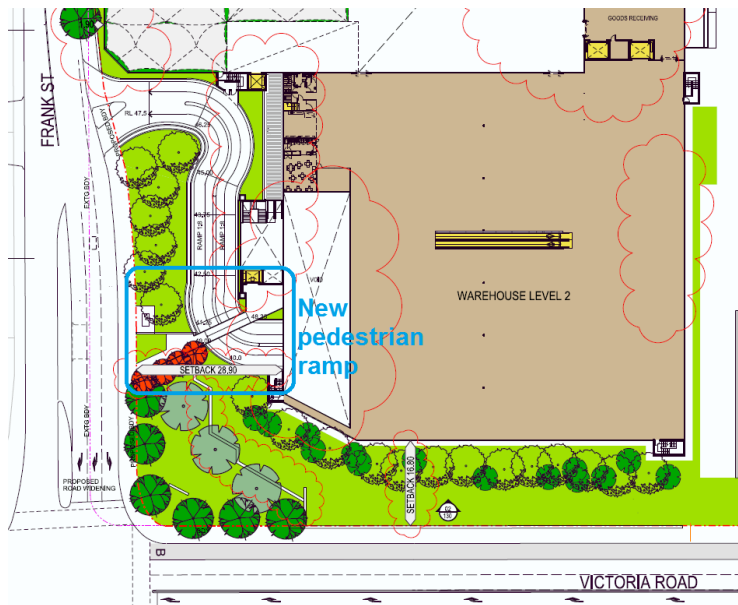


Figure 12. Proposed new pedestrian ramp to Level 2

5.6 Parking amendments

With the reduction and reallocation of GFA across the site, the parking provision has reduced from 900 under the original approved LDA2015/0214, to 795. **Table 4** below provides a summary of the proposed parking distribution and the applicable parking rates under this application, while **Tables 6 - 8** identify the amendments to the number of parking spaces per stage as compared to the approved development.

Table 5. Proposed Car Parking Summary

Land use	Parking rate	Stage 1		Stage 2		Stage 3	
		GFA	Required Provided	GFA	Required Provided	GFA	Required Provided
Bunnings	1/40-45m ²	17,959m ² (includes garden centre)	Required: 400-449 Provided: 430	As for Stage 1	430	As for Stage 1	430
Homemaker Centre	1/61m ² (RMS)	0	0	8,500m ²	Required: 139 Provided: 167	8,500m ² + 9,083m ² = 17,583m ²	Required: 288 Provided: 346
Child Care Centre	1/8 children 1/2 staff	N/A	Required: 19 Provided: 19	As for Stage 1	19	As for Stage 1	19
Retained Buildings - warehouse	1/300m ²	9095m ²	Required: 30	5,340m ²	Required: 18	0	0
- industrial	1.3-1.5/100m ² (DCP rate)		Required: 118-136 Provided: 116		Required: 59-80 Provided: 40	0	0
TOTAL		565		656		795	

Table 6. Stage 1 - Car Parking Proposed Modifications

Element	Approved – LDA2015/0214		Proposed Modification	
	GFA (m ²)	Parking Allocation (Car spaces)	GFA (m ²)	Parking Allocation (Car spaces)
Bunnings Hardware	18,100m ²	540	17,959m ²	430
Childcare	50 children 8 staff	10	90 children 14 staff	19
Building E (Warehouse)	3,065 m ²	111	3,755m ²	116
Building F (Warehouse)	2,980 m ²		2,980 m ²	
Building G (Warehouse)	2,360 m ²		2,360 m ²	
TOTAL		661		565

Table 7. Stage 2 - Car Parking Proposed Modifications

	Approved – LDA2015/0214		Proposed Modification	
Element	GFA (m²)	Parking Allocation (Car spaces)	GFA (m²)	Parking Allocation (Car spaces)
Bunnings Hardware	18,100m ²	540	17,959m ²	430
Bulky Goods Retailing	8,576 m ²	180	8,500m ²	167
Childcare	50 children 8 staff	10	90 children 14 staff	19
Building F (Warehouse)	2,980 m ²	40	2,980 m ²	40
Building G (Warehouse)	2,360 m ²		2,360 m ²	
TOTAL		760		656

Table 8. Stage 3 - Car Parking Proposed Modifications

	Approved – LDA2015/0214		Proposed Modification	
Element	GFA (m²)	Parking Allocation (Car spaces)	GFA (m²)	Parking Allocation (Car spaces)
Bunnings Hardware	18,100m ²	540	17,959m ²	430
Bulky Goods Retailing	16,548 m ²	350	17,583m ²	346
Childcare	50 children 8 staff	10	90 children 14 staff	19
TOTAL		900		795

The development once completed will have 795 parking spaces with 430 spaces allocated to Bunnings and 346 spaces to service the bulky goods retail space and 19 to the child care centre.

5.7 Amendments to the child care centre ‘shell’

Approved Child Care Centre

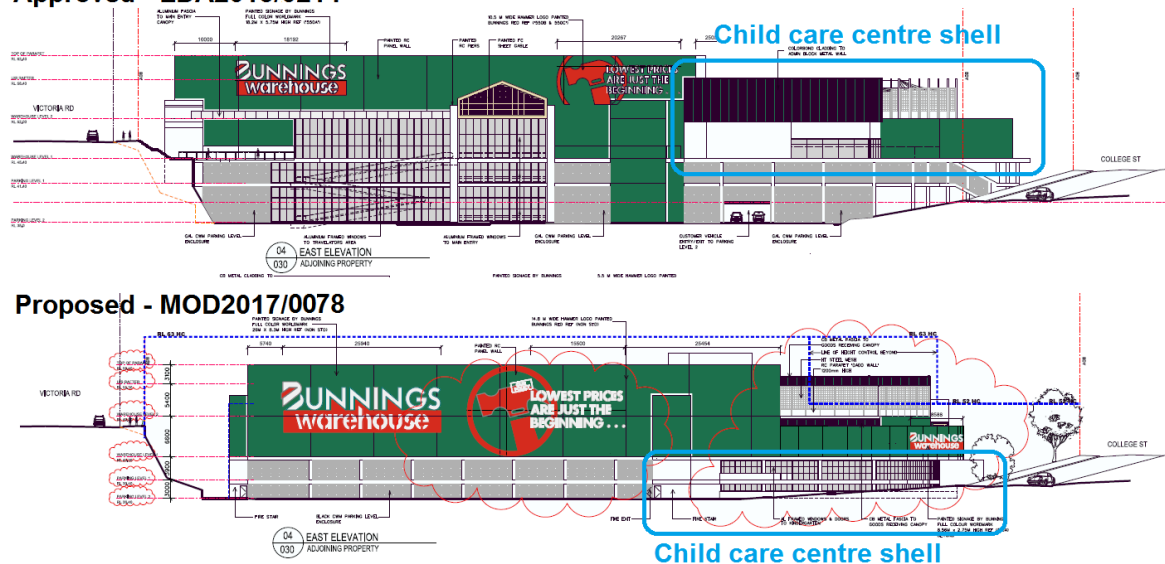
The approved development included the construction of the “shell” of a child care centre building at Stage 1. The approval gave “in principle” consent for up to 50 children, with no fit-out or operational details included in the approval. **Condition 7** of the consent requires the submission of a future development application to seek consent for the operational and fit out components of the centre, which will remain unchanged under this modification.

With an existing child care centre operating at Building F, the approval included only the construction of the child care centre “shell” to allow for the continued operation and future demolition of Building F as part of Stage 3.

MOD2016/0056 approved an increase in the size of the child care centre “shell” in order to increase the child capacity from 50 children to 90 children, and consequential increases in GFA from 940m² to 1,272m², and height of the building.

With the change in floor levels, as outlined earlier at **Table 3**, the child care centre has been relocated from Warehouse Levels 1 and 2 of the development to Carpark Levels 1 and 2 (refer **Figure 13**). This allows for a better relationship with the ground level at College Street but is also in response to the increased building setbacks and overall reduction in building height.

Approved - LDA2015/0214



Other amendments to the child care centre include modifications to:

- the shape of the shell and open space areas;
- the child care centre entry, lift, stair well and waste recycling room
- car parking location within the car park levels; and
- the appearance of the child care centre from College Street (northern elevation) and the eastern (internal) elevation (refer **Figure 13**).

The original consent included approval for ten (10) business identification signs (shown at **Figure 14**) including:

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

4. North façade – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 11.8m x 3.75m;
5. South – “*Bunnings Warehouse*” text with dimensions of 18.192m x 10.5m;
6. South – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m;
7. West – “*Bunnings Warehouse*” text with dimensions of 18.192m x 5.75m; and
8. West – hammer logo with “*Lowest Prices are just the beginning...*” text with dimensions of 18.425m x 10.5m.
9. Two (2) x 6m x 2m free standing pylon sign at the intersection of Victoria Road and Frank Street and adjacent to the intersection works relating to the main entry from Victoria Road (restricted in size by Condition 2).

The proposal includes one (1) additional sign being a painted wall sign 8.56m x 2.5m in size, reading “*Bunnings Warehouse*” near the corner of College Street/eastern internal elevation (noted as Sign 10 at **Figure 15**).

Additionally, there are proposed amendments to a number of the approved signs including:

- East elevation - Relocation of approved painted wall signs in response to the amended building layout (signs 1 and 2).
- College Street:
 - Increase in the size of the sign with the hammer logo by 4.3m in length (sign 2); and
 - Relocation of the other approved painted wall signs (sign 3 above).
- Victoria Road - Relocation of approved painted wall signs with no change to size (signs 5 and 6).
- Frank Street – reduction in the size of the approved painted wall signs including:
 - “*Bunnings Warehouse*” sign reduced from 18.2m x 5.75m to 11.9m x 3.75m (sign 7).
 - Hammer Logo sign reduced from 18.425m x 3.75m to 13.615m x 5.5m (sign 8).
- Pylon sign near corner of Frank Street and Victoria Road (sign 9 above) remaining the same approved size but relocated slightly within the front setback.

Illumination of the signs will not be amended, with some signs continuing to be illuminated with directional LED lights.

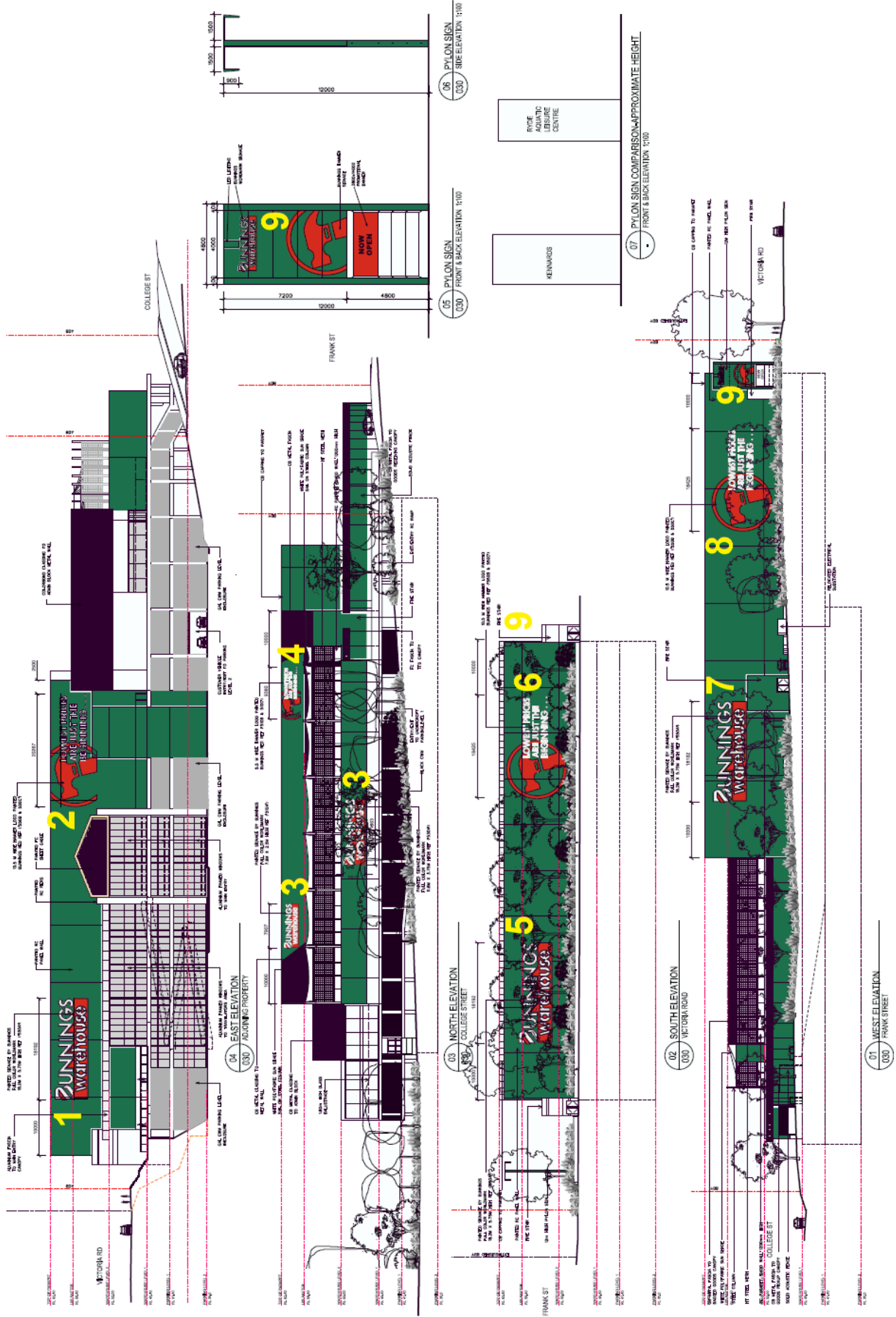


Figure 14: Approved signage on Stage 1 Bunnings Warehouse

Approved Signage - LDA2015/0214

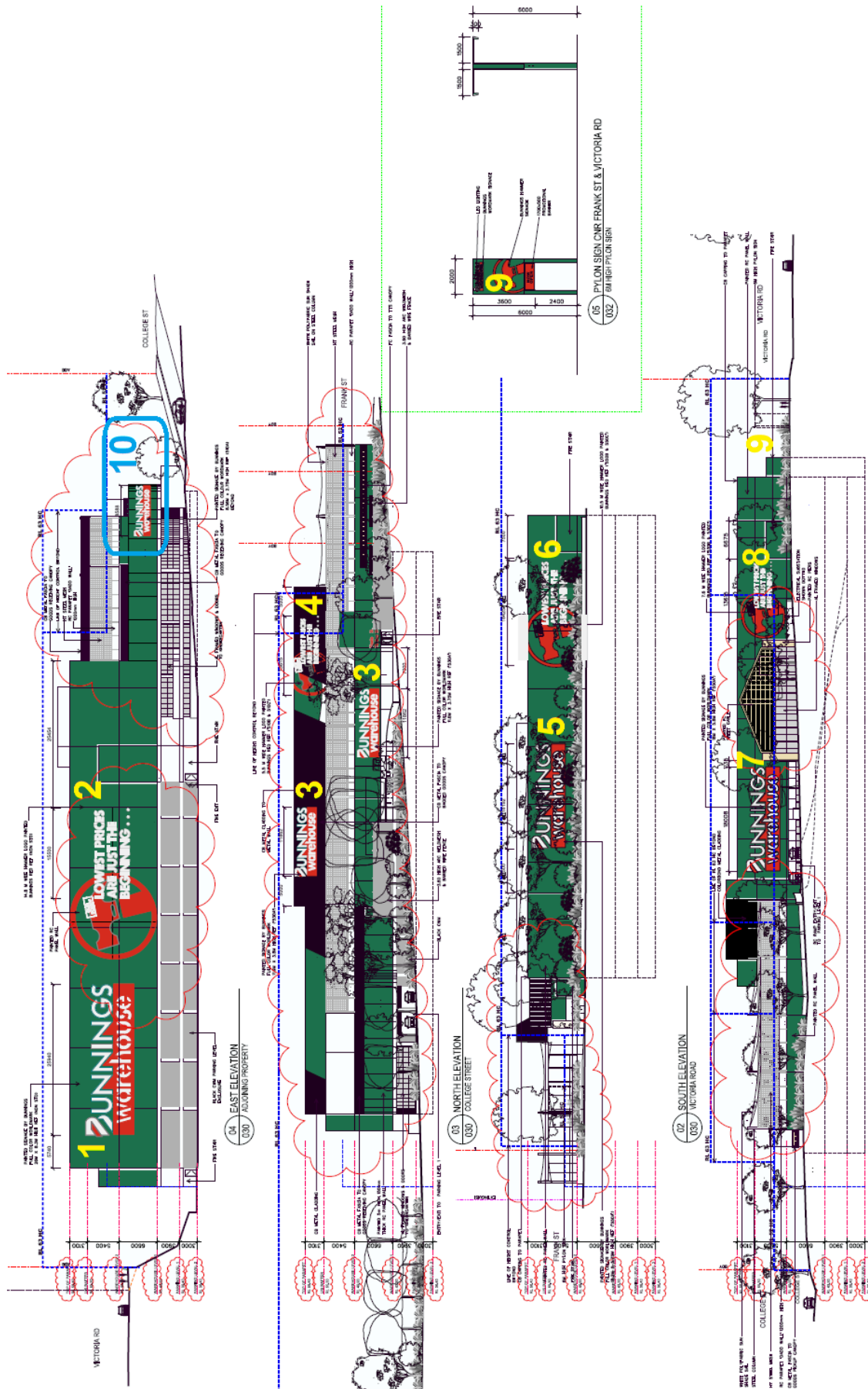


Figure 15: Proposed signage on Stage 1 Bunnings Warehouse

Proposed Signage - MOD2017/0078

5.10 Amendments to landscaping

As a result of the increased building setbacks and revised building footprint, the proposed landscaping has changed. The landscaping plan also provides retaining walls and shotcrete batters along the Victoria Road front setback which are necessary to provide soil depth along the road frontage.

This application also seeks consent for the removal of two (2) additional trees as a result of the revised driveway entry from College Street, being Trees 33 and 34, both of which are *Platanus acerifolia* - London plane tree which are in the location of the driveway to the Level 1 Carpark from College Street (*College Street 1*).

5.11 Conditions to be amended

The proposed modification only proposes to change Conditions 1 – relating to the approved plans, and Conditions 32, 32A and 32B - relating to Section 94 contributions.

As a result of referrals a number of other conditions will also be modified including:

- Condition 48 - Public Domain – Improvement Works Design Approval: updated to reflect the new vehicle crossing in College Street.
- Condition 51 – Vehicle Access and Parking: Amendments to the wording for clarity and to reflect the amended plans.
- Condition 52 – Stormwater Management: Updated to refer to the recent drainage plans.
- Condition 122 – Positive Covenants: Correction to incorrect wording.
- Condition 143 – Childcare Centre Parking: Deletion of condition as it is no longer warranted.

Additionally, five (5) new conditions from Ausgrid are to be included on the consent.

6. BACKGROUND

6.1 Previously approved DA (Intersection works – Victoria Road & Tennyson Road)

A development application for intersection works at the junction of Victoria Road and Tennyson Road was approved by the NSW Land and Environment Court under LDA2012/0412. Despite having consent for these works, the applicant incorporated the intersection works into the original consent under LDA2015/0214 to ensure that all works on and off-site were covered by the single development application.

6.2 Ryde LEP 2014 (Amendment 5) and Site Specific DCP

A Planning Proposal (LEP Amendment 5) was initiated by the applicant to amend Ryde Local Environmental Plan (LEP) 2014 in relation to the zoning, height limits and road widening relating to the subject site. The Planning Proposal sought to

change the zone from 'IN2 – Light Industrial' to 'B5 – Business Development' and amend the height limits at the site from the prescribed 10m building height, to specified heights of between RL63, RL52 and RL42 AHD. In addition, the Planning Proposal included the identification of the areas approved for road widening under LDA2012/0412.

At the time that LDA2015/0214, the original consent, was submitted to Council, LEP Amendment 5 was in draft form, as it was with the Department of Planning and Environment pending gazettal. LEP Amendment 5 was gazetted on 21 August 2015 having the effect of changing the zone and amending the height maps as proposed.

The savings provisions of Clause 1.8A of the LEP did not extend to the LEP Amendment and as such the newly gazetted zone and height limits applied to the application.

A site specific DCP was prepared in relation to the site in anticipation of the gazettal of LEP Amendment 5. The Draft DCP came into effect upon gazettal of Amendment 5 of the LEP, being Part 6.5 of Ryde Development Control Plan (DCP) 2014 - 461-495 Victoria Road, Gladesville.

6.3 Council Resolution – Road Closure and Site Specific Aspects

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

(NB: items of relevance to this report are highlighted in **bold**)

- (a) *That Council exercise the delegation issued by the Minister for Planning and Infrastructure to make the planning proposal to amend the land use zone applicable to 461-495 Victoria Road from IN2 Light Industrial to B5 Business Development and the permissible height under Ryde Local Environmental Plan (LEP) 2014 applicable to the site from 10m to RL63, RL52 and RL42 (stepping down from 12-15m on Victoria Road to approximately 7-17m on College Street).*
- (b) *That in making the LEP amendment Council will adjust the exhibited map site boundaries to reflect the Victoria Road widening in accordance with recent subdivision approval to create LOT 300 DP 1194688, 461-495 Victoria Road, Gladesville.*
- (c) ***That Council adopt the following for inclusion in the Bunnings Gladesville Traffic and Parking Study:***
 - a. ***Trial full closure of College St to be implemented prior to Bunnings commencing construction (at no cost to council by Bunnings). The trial shall be reviewed after 12 months of operation of the Bunnings store and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies;***
 - b. *Cressy Rd carriageway widening to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - c. *Cressy Rd (eastern side) full width footpath and safety fence from Victoria Rd corner to Holy Cross College entry to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - d. *Tennyson Road and Frank Street site access to be implemented at stage 1 and operable on commencement of Bunnings operations (at no cost to council by Bunnings);*
 - e. *Traffic signals changes and site access at Tennyson Rd to be implemented prior to Bunnings commencing operations (at no cost to council by Bunnings);*
 - f. *Pedestrian and road safety audit and management plan be prepared that considers the high probability that parents will park at Bunnings to pick up school children or for*

- access to sporting fields (at no cost to council by Bunnings) and also to consider the impact of the two proposed child care centres in that location
- g. A parking optimisation plan for Frank Street and College Street between Frank Street and Orient Street be prepared to counteract any loss of parking due to the Bunnings development and implemented (at no cost to council by Bunnings)
 - h. Roundabout at Monash/Buffalo Road intersection;**
 - i. Detailed study into the impacts of a right hand turn at Westminster Street and a right hand turn ban during the evening peak at Jordan Street from Victoria Road (at no cost to council - developer funded)
 - j. Detailed study into the traffic and parking impacts be undertaken for any proposed rezoning that includes land use changes and increased densities for sites adjoining Tennyson Road. The aforementioned traffic and parking impact study is to be modelled on the Bunnings Gladesville Traffic and Parking Impact Study in terms of its scope and deliverables. (at no cost to Council – developer funded);
 - k. An additional traffic and parking study, as detailed in part (j) above, be undertaken for the area bounded by Pittwater Road to Monash Road and Ryde Road to Victoria Road. **(at no cost to Council – developer funded).**
 - (d) That a Roundabout at Monash/Buffalo Road intersection be included in the 2016/2017 City of Ryde Delivery Plan with the funds drawn from the Section 94 reserve.**
 - (e) That Council refer the following matters to the Traffic Committee for consideration: i. Speed management for the area bounded by Cressy, Pittwater, Higginbotham and Victoria Roads ii. Parking optimisation for Eltham Street
 - (f) That Council adopt a site specific Development Control Plan for 461-495 Victoria Road Gladesville amended in accordance with the above changes in the Bunnings Gladesville Traffic and Parking Study.
 - (g) That Council delegate the General Manager to make amendment to the site specific Development Control Plan for 461-495 Victoria Road Gladesville to implement Council's resolutions prior to notifying the plan in accordance with the Environmental Planning and Assessment Act.
 - (h) That Council notify all community members who made a submission regarding the planning proposal of the outcomes and thank them for taking the time to become involved in local planning.

The above Council resolution, which was a resolution to endorse the rezoning of the site, required the applicant to instigate the trial closure of College Street as well as various public domain works that are off-site. Under the approved LDA2015/0214, the applicant is required to do all road works that are in the vicinity of the site including the trial closure of College Street and works to Cressy Road.

6.4 Approved Development Consent – LDA2015/0214

On the 28 October 2015, consent was granted to LDA2015/0214 following consideration of the application by the Sydney East JRPP. Approval was granted for:

- 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 50 children (no fitout or operational details proposed);
- Two levels of car parking containing 900 parking spaces,
- Vehicular access from Frank Street and Victoria Road,
- Temporary vehicular access from College Street,
- Road works in Frank Street, College Street and Victoria Road,
- Trial closure of College Street,
- Removal of trees and landscaping works; and

- Stratum subdivision and signage.

Trial Road Closure of College Street

Conditions 4 to 6 of the original consent LDA2015/0214 stated:

4. Traffic Management. *A Traffic Management Plan (TMP) regarding the full trial closure of College Street is to be submitted to and approved by Council and RMS prior to the commencement of demolition and will require tabling through the Ryde Traffic Committee for the Technical input prior to finalisation.*

The TMP is to include the installation of measures to introduce a trial full closure of College St, that follows the RMS Proforma (http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/tmpln_v2.pdf). In conjunction with the TMP, suitably prepared drawings detailing the proposed measures shall be submitted to and approved by Council prior to the commencement of demolition. The trial full closure shall be implemented at no cost to Council by Bunnings. These works are to be completed prior to any demolition works commencing on the site.

5. Trial Full Closure of College Street. *Prior to the commencement of demolition, the works required for the completion of the trial full closure of College Street in accordance with condition 4 are to be completed to Council's satisfaction. The trial full closure can be in the form of temporary bollards or barriers until after the 12 month trial and review required by condition 6.*

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 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.

In accordance with these conditions, the trial closure of College Street began on 6 November 2016.

6.6 Approved Section 96(1A) Modification – MOD2016/0056

On 16 December 2016 Council approved modifications under Section 96(1A) involving the following amendments:

- 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 GFA from 940m² to 1272m² 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.

Amendments to College Street Trial Road Closure

In relation to the road closure, the Section 96(1A) Modification – MOD2016/0056 sought to amend Condition 6 to extend the trial of the College Street closure to be 12 months after the operation of the Tennyson Road intersection (which was amended to occur at Stage 2) rather than a review after 12 months of the operations of the Bunnings store in Stage 1. The approved amendment changed Condition 6 as follows:

(NB. ***bold italics*** represent additional wording, while ~~**bold**~~ ~~**strikethrough**~~ represents deleted wording)

*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 ~~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.

Under the EP&A Act there is no requirement for works under a development application to be completed within a certain timeframe, only that work commence within a designated timeframe, usually 5 years. Accordingly, as was outlined in the assessment report for MOD2016/0056, the delivery times for Stages 2 and 3, and thus the proposed construction of the Tennyson Road intersection with Stage 2, is indefinite.

Concern was raised by objectors under MOD2016/0056 that by changing the review of the trial to be linked with the Tennyson Road intersection in Stage 2, rather than with the Bunnings operation in Stage 1, the review may never occur or may be delayed indefinitely into the future. This would ultimately leave the road closure as a 'trial' until such time Stage 2 is delivered. Most submissions to both the first and second notification period overwhelmingly indicated an apprehension to the prospect of the road closure remaining as a 'trial' and raised that the road closure should be made permanent to prevent access to Bunnings via the residential areas of Orient Street and

College Street. This is in contrast to the submissions received under this subject Section 96(2) application as outlined in **Section 13** of this report.

7. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2004
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

8. PLANNING ASSESSMENT

8.1 Relevant Provisions of Environmental Planning Instruments etc:

(a) Matters for consideration pursuant to Section 96(2) EP&A Act:

The provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979 allow a consent authority to modify the consent where the application meets the following criteria:

- “(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Section 96(2)(a)

Under Section 96(2)(a) the consent authority must be satisfied that the development as modified is substantially the same as was approved in the original consent. In arriving at this determination there should be no consideration of the merits of the proposal but rather a straight before and after comparison or the original approval against the proposed modified development. If it is determined to be substantially the same, then the proposed modifications need to be assessed on their merits having regard to submissions received and any relevant council planning controls.

The **current approval** under LDA2015/0214 provides for:

- Demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse;
- Construction of a bulky goods Homemakers Centre comprising two tenancies (no fitout proposed);
- Construction of a child care centre for up to 50 children (no fitout or operational details proposed).
- Two levels of car parking containing 900 parking spaces,
- Vehicular access from Frank Street and Victoria Road,
- Temporary vehicular access from College Street,
- Road works in Frank Street, College Street and Victoria Road,
- Trial closure of College Street,
- Removal of trees,
- Landscaping works,
- Stratum subdivision and signage.
- Hours of operation for Bunnings Warehouse are 6am to 10pm Mondays to Fridays and 6am to 7pm weekends and public holidays.
- Hours of operation for bulky goods uses are 8am to 9pm Mondays to Fridays and 8am to 7pm weekends and public holidays.
- The development is to be constructed in 3 stages.

The **proposed modifications** under MOD2017/0078 are outlined earlier in the report and will result in the following development:

- Demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse;
- Construction of a bulky goods Homemakers Centre comprising two tenancies (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 795 parking spaces,
- Vehicular access from College Street, Frank Street and Victoria Road,
- Road works in Frank Street, College Street and Victoria Road,
- Trial closure of College Street,
- Removal of trees,
- Landscaping works,
- Stratum subdivision and signage.
- Hours of operation for Bunnings Warehouse are 6am to 10pm Mondays to Fridays and 6am to 7pm weekends and public holidays.

- Hours of operation for bulky goods uses are 8am to 9pm Mondays to Fridays and 8am to 7pm weekends and public holidays.
- The development is to be constructed in 3 stages.

The proposed changes to the development result in a reduction in the building footprint and floor area of the proposed Bunnings Warehouse and minor amendments to the external appearance of the built form. None of the key elements of the proposal are substantially affected with the proposed use and general layout of Stage 1 remaining generally the same, with no discernable changes to Stages 2 or 3. It is considered that the modified development is essentially or materially the same as the approved development.

It is also noted that the applicant for modification bears the onus of showing that the modified development is substantially the same. In this regard the applicant has stated that:

“The modified development remains substantially the same development for the following reasons:

- The uses of the modified development remain the same as those approved being a Bunnings Warehouse, child care centre and bulky goods homemaker centre.*
- The GFA of the modified development changes only very marginally and still complies with the 1:1 FSR.*
- The car parking for the proposed development reduces from 900 spaces to 795 spaces, in part, because of the reduced GFA of the Bunnings Warehouse but also removing some car parking in excess of the Ryde DCP requirements. The location of the car parking areas remains the same as previously approved, albeit that the layout has changed.*
- Changes to the vehicle access points do not change the nature of the approved development.*
- Changes to the building envelope including reduction in height and GFA of the Bunnings Warehouse component do not change the nature of the approved development. The modifications have less visual impact when compared to the originally approved development and remain acceptable in terms of the height, bulk and scale when viewed from the street.*
- The consequential changes arising out of the amended building design such as road works, civil, signage and landscaping are all minor and necessary changes and do not in themselves (or collectively) alter the nature of the approved development.”*

It is the opinion of Council's Assessing Officer that the points raised by the applicant in this regard are of merit and it is agreed that the modified development is substantially the same as the original and therefore the application can be considered on its merits.

Section 96(2)(b)

The original application, and subsequent MOD2016/0056, was referred to the RMS under the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). Concurrence of the RMS was given on 2 July 2015.

No integrated development approvals under Section 91 of the EP&A Act were required, and as such the RMS was not an 'approval body' in terms of the integrated development provisions of the Act.

While the subject application does not propose any amendments to Victoria Road (being a classified road), the Section 96 has been referred to RMS as the proposal changes access from Frank Street which intersects with Victoria Road. These works are within 90m of a classified road (Victoria Road) and the proposed modification involves works to a development that meets the size or capacity of development specified in Schedule 3 of the Infrastructure SEPP.

RMS have advised that they have reviewed the submitted information and raise no objections to the proposed modifications.

Section 96(2)(c) and (d)

The Section 96(2) application was advertised and notified in accordance with Ryde DCP 2014 Part 2.1, Notification of Development Applications. The application was advertised on 3 May 2017 in the *Northern District Times*. The application was notified to neighbours in accordance with Ryde DCP 2014 from 27 April 2017 to 24 May 2017.

In response fourteen (14) submissions were received, of which none were related to the proposed amendments proposed under this application. This is discussed later in this report in Section 13.

(b) Section 5A of the EP&A Act

The original consent involved the removal of 2 x Sydney Blue Gums as part of redeveloping the site. Sydney Blue Gums are a characteristic species of Blue Gum High Forest (BGHF) which is listed as a Critically Endangered Ecological Community under the *NSW Threatened Species Act, 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act, 1999*.

The removal of these trees was considered acceptable from an ecological perspective. The proposed modification removes an additional two (2) trees neither of which are significant or listed species, and accordingly the proposed development is considered satisfactory against this section of the EP&A Act.

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

This proposal is a Section 96(2) of a development consent previously granted by the JRPP, in accordance with Part 4 of the Act. Consequently the Sydney North Planning Panel is the consent authority for this application.

8.3 State Environmental Planning Policy No 55 – Remediation of Land

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

The original application was submitted with an Environmental Site Assessment, which included invasive investigations as to the conditions of the soils (30 boreholes) at the site. Reporting considered the suitability of the site for redevelopment for commercial and ‘residential’ (child care centre) development standard and made various recommendations including the preparation of a Remediation Action Plan. The recommendations made in the report regarding site remediation were included as conditions of consent (see conditions 30 & 38 to 42).

The subject modification will not affect the compliance of the proposal for the purpose of SEPP55, with the original conditions remaining unchanged. Accordingly the site is considered suitable for the proposed development to a standard that this suitable for *residential with access to soil including child care*.

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

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) defines a ‘business identification sign’ as follows:

business identification sign means a sign:

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

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

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity & visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements.

Section 5.9 of this report details the proposed amendments to the existing approved business identification signs and the additional “*Bunnings Warehouse*” text with dimensions of 8.56m x 2.5m along the College Street/eastern internal elevation corner.

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

The original assessment of the proposal against the assessment criteria in Schedule 1 concluded that, subject to the reduction of the pylon sign from 12m x 4.8m as originally proposed to a maximum of 6m high and 12m², that the proposed development was satisfactory. The proposed amendments are considered minor in the context of the site, with the additional wall sign along College Street considered appropriate for the use of the building and unnoticeable when viewed in the context of the existing approved signage; particularly in consideration of the increased setbacks at this street frontage from 5m to 16.6m.

The signage scheme for the proposed development is commensurate with that approved for the original and previously modified development. The original conditions relating to signage will remain unchanged under this application (refer Conditions 132 and 133) and accordingly the proposal is considered satisfactory with regard to signage under SEPP 64.

8.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

The objective of improved water quality is continued to be satisfied through compliance with the provisions of Part 8.2 of Ryde DCP 2014, with the relevant conditions remaining unchanged under this application. The proposed development raises no other issues and otherwise continues to satisfy the aims and objectives of the planning instrument.

8.6 State Environmental Planning Policy (Infrastructure) 2007

Subdivision 2 Development likely to affect an electricity transmission or distribution network - Clause 45 Determination of development applications—other development

This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) *development carried out:*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is:*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

Ausgrid were notified of the application as a neighbour (owning property at 27 Buffalo Road), however the site also has an existing electricity substation located along the eastern elevation of the site. A response was received from Ausgrid ‘*under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007*’, advising that ‘*Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development*’.

Accordingly the conditions recommended by Ausgrid have been included on the draft consent as “General Requirements” under **Conditions 19A-19E**.

Clause 101 - Development with frontage to classified road

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

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

It is considered that the proposed modification to the approved development will not affect the safety, efficiency and ongoing operation of Victoria Road and the proposal is satisfactory with regard to this clause.

Clause 102 - Impact of road noise or vibration on non-road development

Clause 102 of the SEPP does not apply to the site due to the proposed use being for bulky goods, hardware and building supplies. While Clause 102 applies to child care centres, the application is not for the operation or fit out of the centre, and the child care centre will not be directly adjacent to Victoria Road. The provisions of this clause will be a consideration at the assessment stage under a future application for the operation and fitout of the child care centre (refer **Condition 7** of original consent at **Attachment 2**).

Clause 104 - Traffic-generating development

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

Concurrence was sought from the RMS and was subsequently granted on 13 June 2017 stating that “*Roads and Maritime has reviewed the submitted information and raises no objection to the proposed modifications*”.

Concurrence was also sought from the RMS under the original application in accordance with clause 101 of the SEPP on 2 July 2015 subject to conditions which form part of the consent (see **Conditions 10, 11 & 75 to 77** of original consent at **Attachment 2**) which will not be modified as part of this application.

8.7 Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 was publicly exhibited on 6 February 2017.

Under clause 21, *Centre-based child care—matters for consideration by consent authorities*, the consent authority:

“(a) must take into consideration Part 2 of the Child Care Planning Guideline, and (b) may take into consideration Part 3 of the Child Care Planning Guideline, before determining a development application for development for the purpose of centre-based child care.”

The original development application approved a shell for the child care centre, with **Condition 7** of the development consent requiring the submission of a separate development application for the use. The provisions of the draft SEPP

and the Child Care Planning Guideline will be a matter for consideration under any future DA for the use of the Child Care Centre.

Nothing in this modification affects the ability of the child care centre to comply with the relevant built form provisions, any more than the original approval. The proposal is considered satisfactory in accordance with this draft SEPP.

8.7 Ryde Local Environmental Plan 2014

Zoning

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

The proposed modifications do not change the proposed use of the site, are permissible within the respective zones, and the development will continue to be consistent with the objectives of the zones.

Clause 4.3 Height of Buildings

– Control

The height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The height of buildings maps identifies the maximum heights at the site in terms of applicable relative levels that range from RL63, RL52 and RL42 Australian Height Datum, shown at **Figure 16** below.

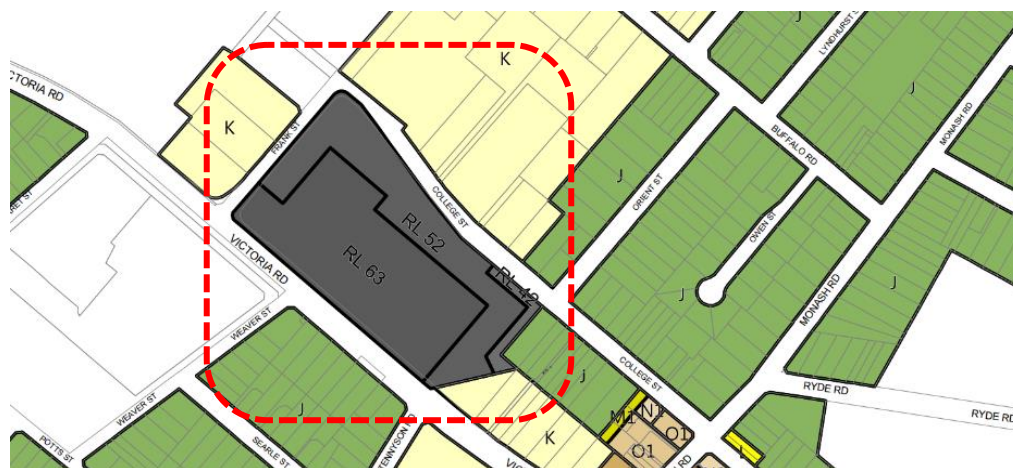


Figure 16: LEP Height of Buildings Map

– Approved Height

The approved development submitted a Clause 4.6 variation to Ryde LEP 2014 with regard to the building non-compliances in five locations as shown at **Figure 17** and outlined at **Table 9**, with an additional two locations and a variation to one location (location 3) approved under MOD2016/0056 as shown at **Figure 18**.

The existing approved non-compliances represent an exceedance of up to 10.4m or 20% (above the RL52 control) and 10m or 23.8% above the RL42 control as outlined in **Table 9**. The additional exceedance under MOD2016/0056 at

Locations 3, 6 and 7 resulted in a further variation to the maximum permitted building height in these portions of the site of up to 4.2m.

– *Proposed Height*

The amended proposal results in a different building footprint, with a maximum exceedance above the RL52 control of 6.4m or 12.3%, and the variation above the RL42 control (positioned within Stage 2 of the development) remaining unchanged in locations 4 and 5 shown at **Figure 19**.

Essentially Locations 1-5 of the existing approved areas of non-compliance are replaced with proposed Locations A-E. Overall the maximum height of the development is reduced from RL62.4 to RL60.35.

Table 9 compares the approved and proposed height exceedances denoted in **Figures 17-19** below.

Table 9. Areas of development with a variation to Clause 4.3 of Ryde LEP 2014

Location	LEP RL control	Proposed RL	Extent of breach
<i>Approved height non-compliances</i>			
1 (original consent)	52	62.4 & 55	10.4m & 3m
2 (original consent)	52	58.25	6.25m
3 (MOD2016/0056)	52	58.25	6.25m
4 (original consent)	52	58.9	6.9m
5 (original consent)	42	52	10m
6 (MOD2016/0056)	52	58.25	6.25m
7 (MOD2016/0056)	52	58.25	6.25m
<i>Proposed height non-compliances</i>			
A	52	58.4	6.4m
B	52	54.4	2.4m
C	52	52.7	0.7m
D	52	56.2	4.2m
E	52	58.4	6.4m
4 (original consent)	52	58.9	6.9m
5 (original consent)	42	52	10m

[illegible]

Figure 18: LEP height exceedances as approved (MOD2016/0056)

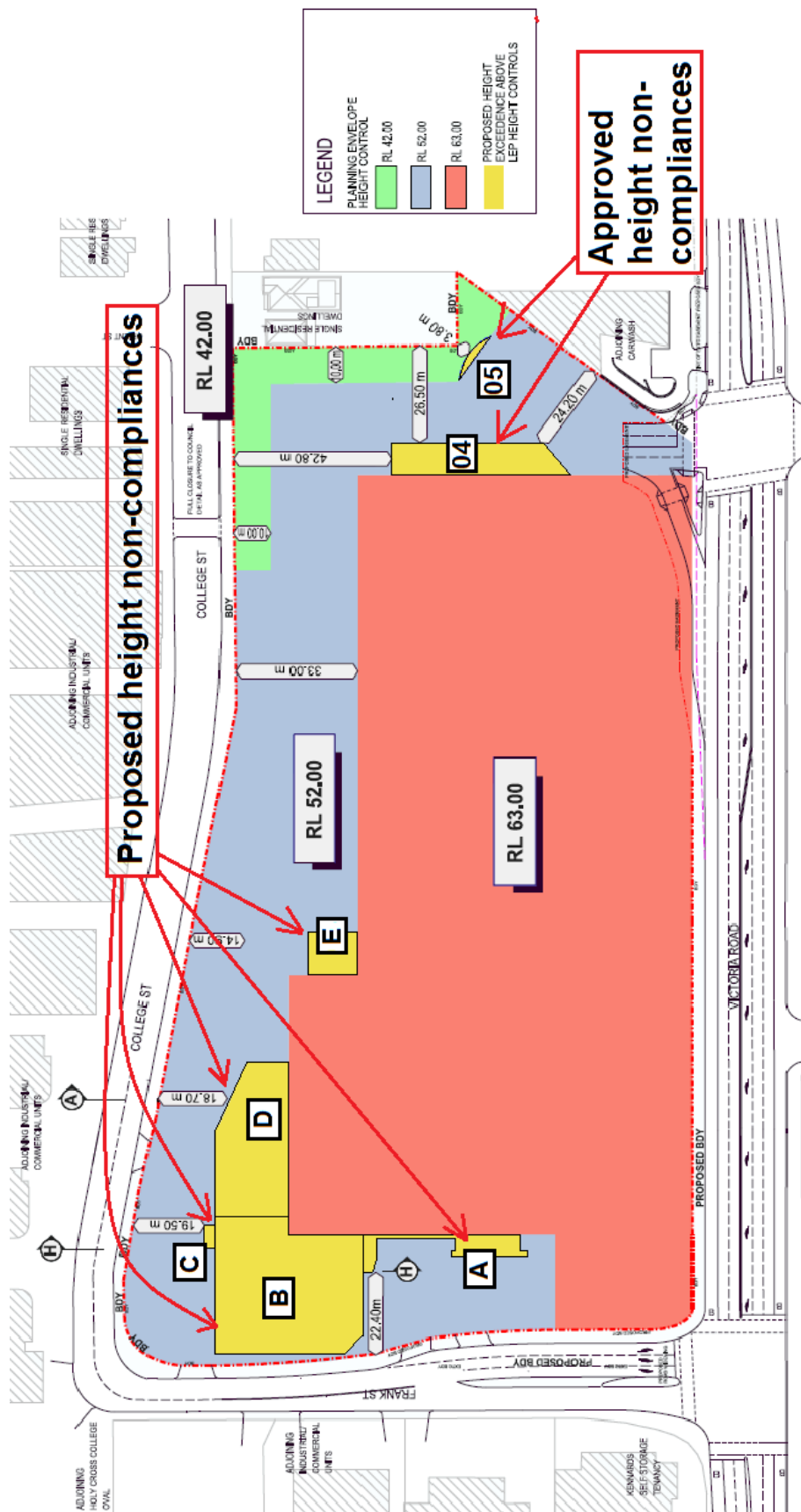


Figure 19: LEP height exceedances as proposed (MOD2017/0078)

– *Justification of additional height variations*

A variation under Clause 4.6 would ordinarily be required for a variation to a development standard, however Clause 4.6 of Ryde LEP 2014 relates to the 'granting of consent', not the 'modification of a consent'. The subject application seeks to modify an existing consent under the provisions of Section 96(2) of the EP&A Act, under which to approve a modification Council is only required to consider the matters under this Section of the Act.

Case law from the Land and Environment Court consistently concludes that Council can approve a Section 96 modification even where it would contravene a development standard, whether or not the approved development has exceeded the development standard. Accordingly a Clause 4.6 variation request is not applicable to a Section 96 application. This is supported by *North Sydney Council v Michael Standley and Associates Pty Ltd [1998] NSWSC 163* which identified that Section 102 (now Section 96 of the EP&A Act) is a 'free standing provision' and 'a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application'. Consequently there is no legal impediment to Council determining a Section 96 modification to permit a variation of a development standard.

The impacts of the height exceedance are assessed below, and with regard to whether the proposed modification is substantially the same development as the development for which the consent was originally granted under the assessment of Section 96(2)(a).

The variation warrants support as:

- The proposal continues to meet the objectives of Clause 4.3 of Ryde LEP 2014 in that the development will:
 - continue to step down towards the street frontage at College Street and Frank Street;
 - will cause no additional overshadowing;
 - will not cause any additional amenity impacts on neighbouring development in relation to privacy, view loss or traffic impacts; and
 - will continue to provide an appearance substantially the same as that of the approved development.
- The initial assessment of the proposal with regard to the approved height exceedance considered the design outcome that would result should the height controls be strictly applied, with the assessment concluding the following:

"The design refinements that have given rise to minor projections beyond the height limits contribute to functionality, high quality urban form and an improved development outcome over strict numerical compliance."

This is similarly applicable for the proposed area of height to be modified under this application, with the areas of exceedance generally imperceptible when viewed in context of the development as a whole. Further the areas relating to the proposed height variation will result in improved functionality of the

development, improved outdoor nursery area and generally in increased setbacks from the street.

- The proposal continues to comply with other development standards applicable to the development with regard to FSR, overshadowing and parking.
- The variation will not result in adverse impacts to the residential properties along College Street with the variations located opposite the industrial areas of College Street and the overall scale of the building no greater than the approved development.
- No objections have been received with regard to the amendments to the built form of the development.

Accordingly, it is considered that the variation of the height control is appropriate in the context of the site.

Clause 4.4 Floor Space Ratio

Clause 4.4 of the LEP states the FSR of a building is not to exceed the maximum specified on the FSR Map. The map identifies the site as having a mix of FSR of 1:1.

The approved development has a maximum GFA of 37,088m² which resulted in an FSR of 0.98:1.

The new building design will result in a reduction in GFA of:

- the Bunnings Warehouse from 18,100m² to 16,316m²;
- overall Stage 1 from 27,445m² to 26,542m²; and
- overall development from 37,088m² to 36,530m².

The Homemakers Centre (Bulky goods retailing) in Stage 3 will also increase by 1,360m², largely as a result of the amendments to the child care centre and relocation of the Bunnings store entrance which has caused a minor redesign of the western end of the Stage 3 tenancy layout.

As a result the total development will have a total GFA of 36,530m², equating to an FSR of 0.98:1, in compliance with the FSR provision applying to the site.

Clause 5.9 Preservation of trees and vegetation

The approved development under LDA2015/0214 granted consent for the removal of 113 trees from the site, with MOD2016/0056 amending the number of trees to be removed. Compared with the original consent, this application seeks consent for the removal of two (2) additional trees as a result of the revised driveway entry from College Street, being Trees 33 and 34, both of which are *Platanus acerifolia* - London plane tree which are in the location of the driveway to the Level 1 Carpark from College Street as shown at **Figure 23**.

The original application was accompanied by an Arborist Report and Flora and Fauna Assessment Report prepared by Abel Ecology Pty Ltd which assessed these trees as having low retention value.

In light of this and the fact the proposal includes significant replacement planting of native trees which will provide an improved landscaped setting for the development, there is no objection to the removal of these trees.

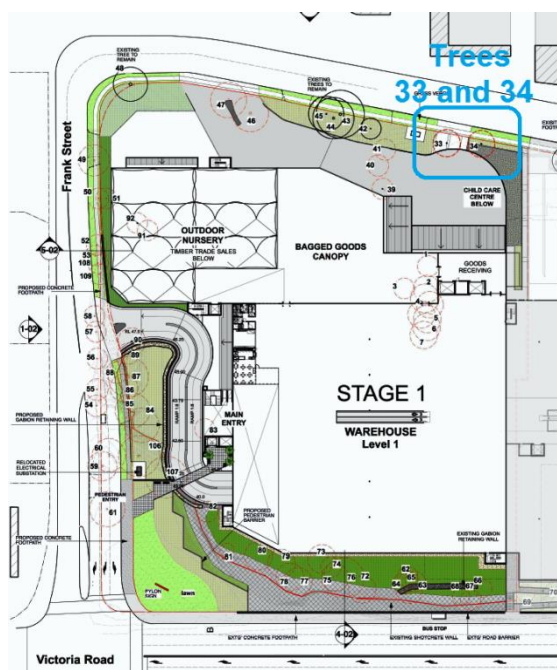


Figure 23: Location of Trees 33 and 34

Other relevant provisions

The approved development undertook an assessment of the development against the following Clauses of Ryde LEP 2014:

- Clause 5.10 Heritage conservation
- Clause 6.2 Earthworks
- Clause 6.4 Stormwater Management
- Clause 6.6 Environmental Sustainability

The proposed modification will not affect the development's compliance with these provisions or the conditions included on the Consent in response to these Clauses.

8.8 Ryde Development Control Plan 2014

The following sections of the Ryde DCP 2014 are of relevance to the proposal:

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

The development will not change the original assessment against the following Parts of the DCP, with relevant sections of the remaining parts assessed below:

- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities

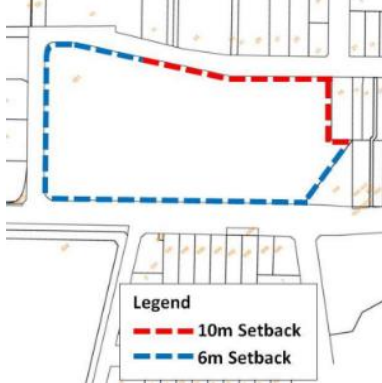
(a) Part 6.5 - Victoria Road Gladesville

Part 6.5 of the DCP contains site specific provisions that apply to the subject site, being 461 – 495 Victoria Road, Gladesville. The following **Table 10** outlines the relevant controls and assessment of the proposal's compliance with those provisions.

Table 10. Part 6.5 of Ryde DCP 2014

Control	Proposed modification	Compliance
2.0 Design Quality	The proposal continues to provide a design quality consistent with the expectations of the DCP. The presentation of the development to the College Street and Frank Street frontages is well considered in relation to its impact on residential properties, with the scale of development generally in accordance with the relevant development controls and mitigation measures such as dimmable illuminated signage remaining unchanged.	Yes
2.1 Built Form Provide an active frontage to Victoria Road in the form of building entries, display windows and retail addressing the street.	The proposal will improve pedestrian access from Victoria Road with the additional pedestrian ramp near the corner of Frank Street and Victoria Road. The development will increase the setback to Victoria Road, however will continue to have a street presence through the height, signage and landscaping within the street setback.	Yes
Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.	The development will continue to address the corner of Victoria Road and Frank Street. The College Street frontage will provide an improved street presentation to the opposite industrial properties through lower building heights and increased setbacks. The degree of variation between the Bunnings building and the bulky goods building will also continue to provide visual interest within the College Street streetscape. The relocation of the main entrance from the eastern internal elevation to face Frank Street will provide additional activation and improve the street address of the building.	Yes
Provide Architectural articulation	The proposed modifications do not affect	Yes

Control	Proposed modification	Compliance
and modulation and design elements to minimise blank wall lengths and the bulk and scale of the building.	the previous assessment against this control with the building still containing large blank walls which are consistent with a typical warehouse style building. The approved retention of trees, and additional landscaping proposed, and the stepping of the building at each street frontage will continue to provide appropriate articulation.	
Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of the buildings.	The child care centre amendments make provision for solar protection in the form of shade devices and landscaping.	Yes
Car parking, driveways, ramps, loading docks and associated vehicular entry/exit structures shall be incorporated into the building façade design and screened from view to improve aesthetic appearance.	Carpark entries and loading areas will continue to be suitably incorporated into the design of the building as they are clearly identifiable and well integrated. The separation of different access points for different uses of the Bunnings Warehouse will improve the functionality of the development, while landscaping and fixed screening will improve the appearance from the street.	Yes
Car park and vehicular ramp screening is to ensure that vehicular headlights do not shine into residential living spaces and residential outdoor open space.	Car ramps and entry points do not give rise to light spill from the site to the residential properties.	Yes
Noise attenuation, sound walls and screens designed to minimise the transmission of noise to residential properties in College Street and Orient Street shall be sympathetically integrated into the design of the building to improve aesthetic appearance and unify other facade elements.	The proposed amendments are predominantly to the Stage 1 warehouse which is adjacent to the industrial premises of Frank Street and College Street. Acoustic impacts on residents will be minimal as the combination of the building setbacks and the limited openings to the north-east and south will continue to minimise the transmission of noise from the site to residential properties.	Yes
Plant and service areas shall be incorporated into the building façade or architecturally screened so that they are not visible from the public domain or neighbouring sites.	Plant and service areas continue to be integrated into the building or are visually screened.	Yes
The building shall incorporate a variety and finishes which create visual interest and are durable.	No changes are proposed to the overall materials and finishes of the development.	Yes
Design quality statement shall be submitted together with the DA that details to the satisfaction of Council;	Documentation submitted with the original approved application demonstrated compliance with the requirements of the DCP. This is not affected by the proposed	Yes

Control	Proposed modification	Compliance
i. How the design meets the Built Form requirements of this DCP ii. How the building relates to and enhances its context iii. Colour and materials selection	modification.	
2.2 Height Building height is to be in accordance with the LEP height limits.	The proposed modification will exceed the LEP height limits which are considered satisfactory as detailed in this report.	No - acceptable
2.3 Setbacks Building setbacks are to be in accordance with the building setback image which requires: 	Setbacks of Stage 1, being the Bunnings Warehouse are amended under this proposal with the existing setbacks of Stages 2 and 3 remaining unchanged. As outlined at Figure 9 earlier in this report, the setbacks of the development will generally be increased along all street frontages compared with the previous approved development. The development is considered satisfactory in consideration of the proposed setbacks.	Yes
2.4 Site Landscaping Landscaping is to be designed to screen the building, (including car parking, loading docks, waste collection and ramp structures) in order to enhance the presentation and architectural quality of the development and to also provide for a landscape buffer for adjoining residential properties that will contribute to neighbours amenity Retain on site mature trees where appropriate and practicable, and incorporate additional large growing screen trees as key elements of a landscaping plan that seeks to reduce the visual presence of the buildings. Soft landscaping of an appropriate scale is to be provided along the Victoria Road frontage to reduce and soften the visual impact of the buildings, create interest in the streetscape whilst also facilitating active frontage and "Safer by Design" principles. Provide deep soil zone, water capture and recycling in the landscaped area in accordance with City of Ryde Water Sensitive	Proposed landscaping will be amended under this application with additional planting proposed within the street frontages as a result of the increased building setbacks. The landscaping will provide an adequate level of screening of the development, a buffer of the building bulk to Victoria Road and Frank Street. Two (2) additional trees are to be removed under this proposal, being trees 33 & 34 (<i>Platanus acerifolia</i> - London plane tree). None of the additional trees to be removed are considered significant within the streetscape and will be compensated with substantial tree planting of native trees of up to 20m including Sydney Blue Gum, Turpentine and White Mahogany which are considered to provide improved screening and amenity of the development. Deep soil zones are increased as a result of the additional street setbacks with the overall landscape area increased from 6,570m² under the original approved development, to 7,570m² under the proposed modification.	Yes Yes

Control	Proposed modification	Compliance
Urban Design Guidelines.		
2.5 Solar Access The development of the land shall not reduce solar access to the habitable rooms (excluding bath, laundry rooms and the like) and private open space areas of any nearby residential development in College and Orient Streets to less than 3 hours of sunlight between 9am and 3pm in midwinter.	The proposed amendments predominantly relate to the Stage 1 Bunnings development, which sits to the south – west of any College Street or Orient Street residential properties. Overall the development will be reduced in scale – both height and bulk and is considered to provide an improved solar access outcome than the previous approvals.	Yes
2.6 Visual Privacy Windows may not directly face into nearby residential properties. Apply screens or other façade treatments to parking areas, access, loading docks, storage and waste collection areas, and the like to minimise viewing into and from adjoining residential properties and the public domain	Windows facing residential properties will not be affected by this modification. Screening to parking areas and loading docks will remain as per the approved development.	Yes
2.7 Acoustic Privacy Provide appropriate acoustic attenuation between the site and neighbouring properties The use of premises and any plant, equipment and building services associated with a premises must not: i. Create an offensive noise as defined by the Protection of the Environment Operations Act and ii. Add significantly to the background noise experienced in the locality. Council may require a statement of compliance.	The proposed amendments to the design will not affect the original acoustic impact assessment of the approved development. The submitted Acoustic Report with the approved development demonstrated that the proposal achieves the noise criteria for sleep disturbance and the site specific noise criteria in accordance with the EPA's Noise Guide for Local Government. Council's appropriated conditions relating to noise impacts were imposed on the original consent which will remain under this application. The overall layout of the development will remain generally in accordance with the location of uses within the Bunnings development, and noise attenuation conditions will not be amended under this application. Council's EHO has reviewed the subject application and has not raised any concern in this regard.	Yes
3.1 Access and Public Domain Where a development proposal includes new floor space that exceeds 2000 sqm; a pedestrian and road safety audit and management plan must be prepared and submitted with the Development Application	The overall floor space of the development will be reduced under this application. Conditions 45 and 106 of the approval will remain under this modification which required the submissions of a Pedestrian and Road Safety Audit Management Plan prior to occupation of Stage 1 of the development.	Yes
A public domain plan must be	Public domain works along Frank Street	Yes

Control	Proposed modification	Compliance
prepared by a suitably qualified landscape architect/designer and submitted with the Development Application to the satisfaction of the Local Road Authority.	and College Street will not be affected under this application and Condition 47 will remain which required a detailed public domain plan to be submitted prior to the issue of a construction certificate in relation to Stage 1.	
3.2 Public Domain Provide landscaped nature strips as part of the public domain. These may include trees and ground covers or grass verge as appropriate. New street trees are to be provided along the Victoria Road frontage	Condition 47 related to the public domain works required to be undertaken in accordance with this control (refer original consent at Attachment 2). This condition will remain unaffected by this modification.	Yes Yes
3.3 Urban Elements and Finishes Various requirements	Conditions of consent in relation to the site specific urban element requirements and finishes under Conditions 47 and 48 remain in place for this modification, with Condition 48 amended to reflect the revised design and modified plans.	Yes
3.4 Signage Signage is to designed to comply with the provisions contained in Part 9.1 Signage of this DCP Signage may not dominate the Victoria Road façade of the development.	Refer Part 9.1 assessment.	Yes Yes
4.1 Traffic Management Prior to the issue of a Construction Certificate for new works on the subject site, the closure of College Street (in both directions) at approximately the boundary between the R2 Low density residential zone and the IN2 Light Industrial zone is to be implemented by the developer at no cost to Council and to the satisfaction of the Local Road Authority. The proponent shall provide a quarterly traffic management report to the Local Road Authority for the first 12 months of site operations to document any traffic and parking issues arising that have affected the external road system and how they have been or are proposed to be mitigated.	Conditions 4, 5 and 130 are imposed in response to these controls which will remain unaffected by this Section 96 application.	Yes
4.2 Vehicular Access No vehicular entries or exits to the site are to be located on College Street. A new vehicular entry/exit is to be provided on Victoria Road at the	A key component of this modification is another new entry/exit from Carpark Level 1 (Bunnings) to College Street. The applicant has provided an assessment of the proposed entry/exit against this provision and Council's City Works and	No – justifiable.

Control	Proposed modification	Compliance
signalised intersection at Tennyson Road. This access is to be implemented at stage 1 of the on site development. Vehicular entries and exits are to be provided on Frank Street and implemented at stage 1 of the development. Ensure vehicular entries, vehicular circulation and loading docks are designed in accordance with Australian Standards AS 2890.1, 2, 3, 5, and 6 Parking Facilities. All kerbs, driveway crossings, carriageway median strips and the like shall be generally in accordance with the relevant sections of Schedule 1: Public Domain Technical Details attached to this DCP Part.	Infrastructure Section have reviewed the impact of this vehicular access point , stating that they have no objection to the application from a traffic perspective subject to the original conditions of consent (refer Attachment 2). The additional driveway is essentially replacing the previously provided access from Frank Street and will not result in additional impacts with regard to queuing or traffic impacts in this location. In light of this, the proposed amendment is supported on the basis that there are no anticipated impacts as a result of the new entry/exit from College Street. Other aspects of this control will not be impacted by the proposed modification.	
4.3 Car Parking Provide a parking optimisation and implementation plan for Frank Street and College Street to counteract any loss of parking due to the Bunnings development Implementation of the parking optimisation plan: i. is to occur prior to the commencement of on-site operations and the issue of any occupation certificate (whether interim or final) ii. be at no cost to Council and to the satisfaction of the Local Road Authority b. Ensure car parking areas and ramps are designed in accordance with Australian Standards AS 2890.1, 2, 3, 5, and 6 Parking Facilities. c. Off street car parking is to be provided in accordance with Ryde DCP Part 9.3 and must provide adequate parking for employees and patrons. d. Where possible, parking, loading docks ramps and driveways shall be located underground or under cover and within the building envelope. As a minimum, a high quality architectural screen is	Condition 107 was imposed in response to this condition and will remain unchanged by this modification (refer original consent at Attachment 2). No change. The proposal continues to provide parking to meet the requirements of the DCP as detailed in the submitted Traffic Report and confirmed by Council's Senior Development Engineer. Parking areas continue to be located within the building footprint. Loading areas are improved to provide greater separation with customer parking. Architectural screening will provide screening to the	Yes Yes Yes Yes

Control	Proposed modification	Compliance
required so that these facilities are not visible from the public domain and so that acoustic intrusion and headlights from vehicle movements is minimised for residential properties in College Street and Orient Street. e. Parking is to be accessible to all stages and components of the eventual development. All vehicular site entries and exits are to access all vehicular parking areas. f. Parking within the development is to be designed so as to minimise impacts on the road network such as queuing in Frank Street and Victoria Road.	loading areas from College Street with no impacts from the amendments to the Stage 1 development to residential properties. Parking will continue to be accessible to all stages and components of the development.	Yes
5.2 Stormwater Management a. Stormwater management system is to be designed and provided in accordance with the requirements of the: i. City of Ryde DCP 2014 - Part 8.2 Stormwater and Floodplain Management and supporting documents ii. City of Ryde Water Sensitive Urban Design Guidelines (WSUD) iii. Stormwater and Floodplain Management Technical Manual b. A detailed site specific flood study report and stormwater drainage plan are required to be submitted with the Development Application, demonstrating compliance with the requirements of DCP Part 8.2 Stormwater Management. The study should consider the downstream draining system in the analysis. In addition, a design solution is required to ensure the downstream properties will not be subject to increased risk of flooding after the development. If required the downstream stormwater pipe system shall be amplified to the current standard.	Stormwater management on the site will not be affected by the modification. Council's Senior Development Engineer included Conditions 52, 84, 85, 92, 111, 112, 113, 115, 124 and 131 on the approved development consent (see Attachment 2) which will remain under this modification. The Flood Study submitted with the original application will not be affected by this modification and Conditions 84 and 99 will remain on the consent.	Yes Yes
4.3 Car Parking Provide a parking optimisation and implementation plan for Frank Street and College Street to counteract any loss of parking due to the Bunnings development Implementation of the parking	To be required by condition 107.	Subject to Condition

Control	Proposed modification	Compliance
optimisation plan: i. is to occur prior to the commencement of on-site operations and the issue of any occupation certificate (whether interim or final) ii. be at no cost to Council and to the satisfaction of the Local Road Authority b. Ensure car parking areas and ramps are designed in accordance with Australian Standards AS 2890.1, 2, 3, 5, and 6 Parking Facilities. c. Off street car parking is to be provided in accordance with Ryde DCP Part 9.3 and must provide adequate parking for employees and patrons. d. Where possible, parking, loading docks ramps and driveways shall be located underground or under cover and within the building envelope. As a minimum, a high quality architectural screen is required so that these facilities are not visible from the public domain and so that acoustic intrusion and headlights from vehicle movements is minimised for residential properties in College Street and Orient Street. e. Parking is to be accessible to all stages and components of the eventual development. All vehicular site entries and exits are to access all vehicular parking areas. f. Parking within the development is to be designed so as to minimise impacts on the road network such as queuing in Frank Street and Victoria Road.	As submitted by the applicant and verified by Council staff. The proposal provides parking to meet the requirements of the DCP as detailed in the submitted Traffic Report. Parking areas are located within the building footprint and loading areas are located as appropriate to the topography of the site. Screening is employed including to the loading areas where necessary to ensure that the loading areas are not readily visible from the public domain. Parking has been rationalised on the site to allow for the staged operation of the development. The programming of works allows for a temporary access point from College Street and separation of parking between the existing buildings and the operational Bunnings building. The staging and arrangement of parking has been considered and accepted by Councils Traffic Engineer. Access points and parking arrangements will not give rise to queueing.	Yes Yes Yes Yes Yes
5.2 Stormwater Management a. Stormwater management system is to be designed and provided in accordance with the requirements of the: i. City of Ryde DCP 2014 - Part 8.2 Stormwater and Floodplain Management and supporting	Stormwater Design has been submitted with the application. Subject to conditions, Council's Senior Development Engineer supports the proposed design (see conditions 84, 85, 92, 111, 112, 113, 115, 124 and 131 at Attachment 2). It is noted that Condition 52 is to be amended to	Yes

Control	Proposed modification	Compliance
documents ii. City of Ryde Water Sensitive Urban Design Guidelines (WSUD) iii. Stormwater and Floodplain Management Technical Manual b. A detailed site specific flood study report and stormwater drainage plan are required to be submitted with the Development Application, demonstrating compliance with the requirements of DCP Part 8.2 Stormwater Management. The study should consider the downstream draining system in the analysis. In addition, a design solution is required to ensure the downstream properties will not be subject to increased risk of flooding after the development. If required the downstream stormwater pipe system shall be amplified to the current standard.	reflect the amended design (see draft conditions at Attachment 1). . A Flood Study has been submitted with the application detailing the suitability of the floor levels and the structural soundness of the development in light of the low risk "local drainage" flood category that affects the site. The flood report has been reviewed by Council's Drainage Engineer and no objections are raised subject to conditions (see conditions 84 and 99). .	Subject to Conditions.

(b) Part 9.1 Signage

The development proposes one additional sign being one (1) painted wall sign 8.56m x 2.5m reading 'Bunnings Warehouse' along College Street (sign 10).

Additionally, there are proposed amendments to a number of business identification signs as outlined in Section 5.9 of this report.

The acceptability of the signage at the site has been considered previously in this report in relation to the requirements of SEPP 64. The following provides an assessment of the signage, particularly new or amended signage under the relevant provisions of Ryde DCP 2014 Part 9.1:

- **Clause 2.1 – Signage Content:** The proposed signs are business identification signs which are permissible with consent under Ryde LEP 2014. The signs include the name of the business and the logos and where additional wording is proposed this is considered to be incidental to the corporate logo.
- **Clause 2.2 – Language** - All signs are in English which is consistent with the control.
- **Clause 2.3 - Number of Signs** – This control seeks to reduce visual clutter as a result of the signage. The signs are large and occupy a significant portion of the façade of each building, however, there will continue to be between 2 and 3 signs per façade on the Bunnings building. This type of signage is consistent with the corporate branding of Bunnings and is suitable at the site and within the 'B5 - Business Development' zone.

There is no change proposed to the Homemaker Centre signage which was previously assessed as providing signage suitable to the design of the

building and will provide suitable and effective opportunities for business identification signage.

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

In terms of the bulky goods retailing component, the proposal will not amend the location of the signage which was selected having regard to the design and proportions of each elevation.

- **Clause 2.5 – Illuminated Signs** - The proposed signs will continue to be illuminated with targeted LED spot lights on to the walls of the building, or backlit panels. The design of signage and relevant conditions will continue to avoid light spill to neighbouring properties. Conditions of consent are not to be amended which enable the signage to be dimmable and that the lights are switched off outside of the operating hours for the Bunnings Warehouse building.
- **Clause 2.6 – New Buildings and Multi-Tenant Buildings** - The signage locations, sizes and design has taken account of the proposed buildings and integrated into the design (as discussed above).
- **Clause 2.7 - Corporate Branding** - The proposed signs are defined as business identification signs and include some corporate branding. The controls require one such corporate branding sign per elevation and a maximum area of 0.6m². The signage proposed is suitable to the proportions of the building and as detailed above are acceptable with regard to the principles of SEPP 64.
- **Clause 2.8 – Other Prohibited Signs** - The proposed signage does not fall into any of the prohibited signage categories listed in this clause of the DCP.
- **Clause 3.2 - Business zones** - The site is zoned B5 – Business Development and the DCP controls for the Business zones are of relevance to the proposal.
- **Clause 3.2.2 – Extent of Signage Permitted** - The DCP allows:
 - 1.5m² of signage per 1m of frontage of the property to the street; and
 - A signage area of 15% of the side and rear elevations.

In relation to each street frontage and elevation, **Table 11** outlines the approved and proposed compliance of the signage scheme with Part 9.1 of the DCP.

Table 11. Signage details – compliance with Part 9.1 of Ryde DCP 2014

Street	Frontage	Elevation	DCP	Proposed	Compliance	Approved	Approved
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Frontage			Permitted Area			signage area under LDA2015/0214	exceedance
Victoria Road (s)	240m	n/a	360m ²	Bunnings - 298.11m ² Bulky goods – 213.5m ²	151.61m ² exceedance	Bunnings – 384.5m ² Bulky goods – 213.5m ²	238m ² exceedance
College Street (n)	270m	n/a	405m ²	164.35m ²	Complies	87.74m ²	Complied
Frank Street (w)	140m	n/a	210m ²	207.87m ²	Complies	298m ²	88m ² exceedance
East Elevation (Stage 1)	n/a	Approx. 1,500m ²	225m ²	Bunnings: 332.34m ²	107.34m ² exceedance	Bunnings: 152m ²	Complied

The proposal therefore results in a departure from the numerical requirements relating to the extent of business advertising signage in relation the Victoria Road frontage (151.61m² exceedance) and the eastern elevation (107.34m²). Notably, the proposal provides 240.65m² less than the maximum allowance on the College Street frontage and 2m² on the Frank Street frontage.

The original approval under LDA2015/0214 resulted in a departure from the numerical requirements relating to the extent of business advertising signage as follows:

- the Victoria Road frontage (238m² exceedance);
- Frank Street frontage (88m²); and
- the south-eastern elevation (2m²).

With the approved signage providing 317m² less than the maximum allowance on the College Street frontage.

In relation to the original approved development, the applicant provided the following justification;

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

As outlined under the SEPP64 assessment earlier in this report, despite the changes in signage size and new additional signage along the eastern elevation/College Street frontage, the signage is considered to be commensurate to the signage as originally approved under LDA2015/0214. Accordingly, the justification provided by the applicant to the original application is considered valid for the modified signage scheme. Furthermore, the original proposal was supported by the following justification for the signage which is also considered appropriate for the proposed modification:

- The restrictions applicable to signs under Clause 3.2.2 of Part 9.1 of the Ryde DCP 2014 is more suited to the forms of development anticipated in business zones including rows of shops where signage should reasonably be restricted to one sign per façade.
- The proposal has a frontage to a high volume road and involves a significant development that incorporates appropriate signage that is applied to a majority of Bunnings sites across Sydney.
- The proposed signage is spread over the four facades and does not result in any significant visual clutter given that the length of the building at each façade.
- The signs are designed as an integral part of the façade design and blend with the choice of material and colour scheme.

Accordingly despite the numerical non-compliances, the proposed signage scheme is considered suitable as it is substantially the same as that of the original approved development.

- **Pylon Signs** - The approved development included 2 pylon signs that will be located:
 - at the intersection of Frank Street and Victoria Road; and
 - towards the intersection of Victoria Street and Tennyson Road.

Both pylon signs were proposed to be 12m in height and 4.8m in width (57.6m²), with a fixed design element and a variable area for advertising various promotions. At the proposed size, both pylon signs significantly exceeded the height and area requirements as the DCP requires that pylon signs are a maximum of 6m in height, have an area of no more than 12m² and are limited to one sign per site.

While the number of signs was supported, the size and scale of the signs proposed were significantly larger than what is contemplated by the DCP and what is considered reasonable. Accordingly Condition 2 was included on the consent requiring that the pylon signs be redesigned to comply with the 6m maximum height and 12m² maximum area requirements of the Ryde DCP 2014.

The proposed amendments under this modification have reduced the signage to comply with the Ryde DCP 2014, however it is recommended that this condition remain on the consent, in addition to the conditions requiring lighting to be capable of being dimmed and comply with the

curfew requirements that relate to the operation hours of the Bunnings Warehouse building.

(c) Part 9.3 Parking

As outlined earlier in this report, the parking arrangement for the development will be staged according to the buildings to be retained and the parking to be provided with each stage.

The development once completed will have 795 parking spaces with 430 spaces allocated to Bunnings and 346 spaces to service the bulky goods retail space and 19 to the child care centre.

In terms of compliance with the parking requirements of the DCP, as Council does not contain parking requirements for Hardware/Building Supplies or Bulky Good Premise, the Traffic Report submitted with the original approved application applied parking rates based on suitable comparative operations, which was supported by Council's Traffic Section and Senior Development Engineer. The parking rate for the Bunnings store is 1 space per 34m² whilst for the bulky goods premises, 1 space per 46m² is proposed.

In relation to the proposed modification to the parking, Council's Senior Development Engineer has made the following assessment:

"In regards to the Bunnings parking demand, the original allocated parking rate (1 parking space per 34m²) was higher than the recorded peak parking demand rates presented by the applicant and RMS data (approximately 1 parking space per 50m²). The excess parking did pose some concern for potentially higher levels of traffic generation however it is acknowledged that surplus parking facilitates vehicle manoeuvring through the centre and minimise traffic congestion at the vehicle access points. It was also noted that other operating Bunnings stores incorporated the same rate of parking supply yet yielded a similar parking demand, indicating that the full parking capacity of these sites are rarely utilised. In regards to the proposed modification, the applicant has presented a parking allocation of 430 parking spaces which presents as a parking allocation rate of 1 parking space per 42m² which is considered appropriate. To gauge this aspect in terms of parking spaces, the development is anticipated to have a peak parking demand of 359 parking spaces and therefore the 430 proposed parking spaces allocated for the Bunnings would accommodate this with a surplus of parking sufficient to minimise congestion in the parking area.

For the bulky goods retail component, the nominated rate presented in the applicants original traffic and parking report presented a rate of 1 parking space per 61m². Application of this parking rate to the proposed nominated floor area yields a parking demand of 288 parking spaces. With the development making provision for 346 spaces for this component, the level is considered adequate for the reasons detailed above.

The proposed childcare centre whilst having a reconfiguration of floor area will retain the same numbers of staff and children and therefore does not

warrant any changes to the allocated parking which is compliant with the DCP.”

On the basis of the above comments, the proposed parking provision is supported.

8.9 Section 94 Development Contributions Plan 2007

Development Contributions Plan – 2007 (2014 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

Section 94 Contributions were required to be paid under Condition 32 of the approved development consent at Stage 1 of the development. MOD2016/0056 amended Condition 32 to allow the payment of Section 94 contributions prior to the Construction Certificate for each development stage, with additional conditions 32A and 32B included on the consent to reflect the payment of contributions according to each stage.

Under this proposed modification, the rates of payment are amended in **Conditions 32, 32A and 32B** to reflect the amended GFA across each of the stages.

9. LIKELY IMPACTS OF THE DEVELOPMENT

9.1 Built Environment

The initial application under LDA2015/0214 provided an assessment of the likely impacts of the development from the staging of the development, traffic generation and temporary road closure, and the impact on the amenity of adjoining residential properties. The proposed amendments under this application reduce the footprint of the development, increase setbacks and reduce parking provision, accordingly it is not considered that the proposal will give rise to any additional impacts which were previously considered acceptable under the original consent.

As discussed in the submissions assessment under Section 13 of this report, traffic impacts and the temporary road closure timing is a major concern for businesses of College Street and parents and caregivers of students at Holy Cross College. Conversely, under previous applications of LDA2015/0214 and MOD2016/0056, residents of College Street and surrounding streets were particularly concerned with the potential removal or reduction in the trial timeframes of the College Street trial road closure.

As the road closure is not proposed to be changed in any manner under this application - with Conditions 4, 5 and 6 remaining on the consent, it is considered that the proposed development is acceptable, with the amendments to the development not anticipated to cause detrimental traffic impacts to the surrounding traffic networks.

9.2 Natural Environment

While two (2) additional trees are to be removed under this proposal, the compensatory planting is such that the removal of two exotic species is not

considered a concern. The original Arborist Report assessed these trees as having low retention value, and accordingly there is no objection to their removal.

The revised building footprint will reduce the extent of excavation required by the development, and accordingly have less impact on the surrounding natural environment.

10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed modifications will provide an improved form of development at the site, will reduce the overall scale of the development, and will continue to allow for the suitable traffic management and mitigation of traffic impacts on surrounding properties. As such, the site is considered to be suitable for the warehouse, bulky goods retail and child care centre use as proposed.

11. THE PUBLIC INTEREST

The proposed amendments result in a reduced building footprint and overall bulk and scale of the Bunnings Warehouse and will not result in any significant environmental impacts. The key area of concern raised in the objections, being the closure of College Street, is not proposed to be amended under this proposal, and therefore will remain in accordance with the previous development approvals for the site. In light of the above, the proposal is considered to be in the public interest.

12. REFERRALS

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

- Development Engineer: No objections raised. Final referral received with draft conditions of consent relating to amendments to Conditions 51 (Vehicle Access & Parking), 52 (Stormwater Management), 143 (Child Care Centre Parking, and 112 (Positive Covenants).
- Section 94 Coordinator: No objections raised. Condition 32, 32A and 32B will be amended relating to Section 94 Contributions as a result of the amended GFA across the various stages.
- City Works & Infrastructure:
 - Traffic: Council's Traffic Engineer raised a number of issues in relation to parking provision, vehicle entrances and traffic impacts.

On 13 June 2017 Council's Assessment Officer, Traffic Engineer and Senior Coordinator Development Engineering Services met with the applicant, their Planning Consultant and Traffic Consultant to discuss these matters.

The applicant responded on 16 June 2016 providing an outline of the proposal and a clear identification of the changes proposed as compared with the original consent under LDA2015/0214.

Council's Traffic Engineer has reviewed this information, and the final referral comments have been received with no changes to the conditions of the original consent.

- Public Domain: No objections raised. Final referral received with minor amendments to Condition 48 to reflect the revised vehicle access arrangements under this modification.
- Drainage: No objections raised. Final referral received with no changes to the conditions of the original consent.
- Environmental Health Officer: No objections raised. Final referral received with no changes to the conditions of the original consent.
- NSW Roads and Maritime Service: Referral received and raises no objection to the proposed modifications with no changes to the conditions of the original consent.
- Ausgrid: Ausgrid have provided a response under Clause 45(2) of SEPP (Infrastructure) 2007 and included conditions to be included on the consent in response to the amended plans.

13. PUBLIC NOTIFICATION AND SUBMISSIONS

During course of the assessment of the DA, Council received fourteen (14) submissions. The submissions raise concerns relating to two matters being:

1. The temporary full closure of College Street; and
2. The new roundabout installed on corner of Monash and Buffalo Road.

No submissions were received in relation to the changes proposed under this Section 96(2) application, nonetheless, the following provides a response to issues raised in the submissions.

Issue 1: Concern was raised relating to temporary full closure of College Street

Response

The 13 submissions received regarding the College Street closure are predominantly from parents and carers of students attending Holy Cross College. The submissions object to the closure of the road based on traffic and accessibility impacts that have arisen since the road was closed in November 2016.

An outline of the background to the College Street trial road closure, including approvals, and timeframes for the trial review is included in Section 6 of this report.

The temporary road closure of College Street is a condition of consent approved by the Sydney East JRPP on 28 October 2015 under the original application LDA2015/0214. The full road closure, i.e. the closure of the road in both directions, is on a trial basis which commenced in November 2016.

The reason for many of the concerns relating to the road closure under this application is that the submitted Section 96 plans have a notation at the location of the road closure point stating “*Full Closure to Council Detail as Approved*”, leading objectors to believe the application sought for the permanent closure of the road. The previous Section 96 application under MOD2016/0056 also had this same notation on the plans. ‘Full closure’ relates to the closure in both directions (as opposed to a ‘one way’ partial closure), while ‘as approved’ relates to the conditions of consent regarding the trial period, design and review of the road closure.

Per the conditions of approval as amended by Council under MOD2016/0056 in December 2016, the trial full road closure will be reviewed after 12 months of operation of the Stage 2 Tennyson Road/Victoria Road intersection, with the results reported back to Council at that time. The report detailing the outcome of the review will be submitted to and approved by Council and RMS for the implementation of the preferred treatment of College Street (see Conditions 4, 5 and 6).

It is also noted that one submission raised concern with the transparency and thoroughness of the approvals history of the road closure and traffic studies

supporting the original consent, and the approved modification under LDA2016/0056. Each of the development applications were subject to lengthy and complex traffic studies which were independently reviewed by Bitzios Traffic Consulting who were engaged by Council to peer review the applicant's traffic report on both occasions. Additionally Council's Traffic Engineers and Development Engineers undertook an assessment of the impacts of the road closure and review timeframes, which were considered satisfactory on both occasions subject to conditions of consent – which will remain unchanged under this application.

Objectors have been informed that Council cannot revisit the operation of the road closure until the trial period of the road closure has finished, the traffic review undertaken, and the findings and recommendations reported back to Council and the RMS in accordance with the requirements of the conditions.

Issue 2: The new roundabout installed on corner of Monash and Buffalo Road

Response

One submission was submitted regarding the new roundabout to be installed on the corner of Monash and Buffalo Road. Council's Traffic Engineer has advised that Council has approved installation of a roundabout at the intersection of Monash Road and Buffalo Road, however the design process has revealed some issues that need to be resolved before preparing the construction plans and installing the device, mainly:

- Ensuring sufficient clearance for buses and trucks;
- Relocating high voltage electrical infrastructure; and
- Reservation of a historic survey mark.

Council is currently consulting with members of the Ryde Traffic Committee, including State Transit, and Ausgrid. Residents will be advised once the design is finalised. The construction is included for the 2017/18 financial year and will proceed as soon as possible

13. CONCLUSION

This report considers a Section 96(2) application under the EP&A Act to modify the approved development at 459, 461-495 Victoria Road, Gladesville.

The original approval under LDA2015/0215 granted consent for demolition of existing structures, bulk earthworks and construction and fitout of a Bunnings Warehouse; construction of a bulky goods Homemaker Centre comprising two tenancies; and construction of a child care centre building; two levels of car parking containing 900 parking spaces, vehicular access from Frank Street and Victoria Road, temporary vehicular access from College Street, road works in Frank Street, College Street and Victoria Road, trial closure of College Street, removal of trees, landscaping works, stratum subdivision and signage at 459, 461-495 Victoria Road, Gladesville.

The proposed amendments relate to changes to the building footprint with associated setbacks to streets; changes to the vehicular access points to the Bunnings Warehouse; reduction of the GFA and height of the Stage 1 Bunnings Warehouse; and other consequential design modifications, including changes to signage, pedestrian access arrangements and landscaping.

Some changes under the previous modification of the consent under MOD2016/0056 will remain such as the increase in child care centre places from 50 to 90, and the Frank Street road widening, however due to the change in the overall building footprint many of the changes will be further amended.

The proposal will reduce the number of parking spaces on the site from 900 to 795, with the parking provision still able to meet the peak demand needs of the development. The proposal changes the access arrangements to the site, including an additional driveway from College Street, and a deletion of a driveway from Frank Street. The traffic, vehicular access and parking arrangements at the site have been accepted by Council's Traffic Engineer and are considered satisfactory with regard to the relevant DCP.

The development will not affect the closure of College Street, which is in accordance with a DCP requirement that stems from a Council resolution. The Council resolution, which was a resolution to endorse the rezoning of the site, also requires the applicant to undertake road works that are beyond the immediate network of streets surrounding the site. This application will not affect any of the roadworks required to be undertaken by the applicant with existing conditions of consent remaining unchanged.

Staging of the development will not be affected by this application, with the majority of amendments relating to the layout and design of the Bunnings Warehouse in Stage 1 of the development. The development continues to exceed the Ryde LEP 2014 height controls in a number of isolated locations across the site. The applicant has provided suitable justification to demonstrate that the proposed development is substantially the same as the original approved development, with the amendments resulting in an improved outcome for and from the development.

The application has demonstrated that the development is consistent with the relevant provisions of Ryde DCP 2014 that relate to the subject site under Part 6.5 and the remaining provisions of the DCP relating to amongst other things, parking and signage. The conditions relating to parking and signage provision will remain unchanged under this application.

The proposed modification of the approved development will not give rise to significant or unreasonable additional impacts on the amenity of the neighbouring residential properties.

It is recommended that the Section 96(2) application be approved subject to conditions.

14. RECOMMENDATION

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

- A. That the Sydney North Planning Panel grant consent to the Section 96 application No. MOD2017/0078 to modify Local Development Application No. LDA2015/0214 at 459 & 461-495 Victoria Road, Gladesville, subject to the conditions of consent in Attachment 1 of this report;
- B. That those persons making a submission be advised of the decision; and
- C. That RMS is advised of the decision.

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