

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference	2017SWC123
DA Number	DA 2016/171/3
LGA	Cumberland
Proposed Development	S96(2) Modification seeking internal and external alterations including signage for an approved hardware and building supplies store (Bunnings)
Street Address	1-15 Sturt Street, Smithfield
Applicant/Owner	Bunnings Group Ltd
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	Section 96(2) modification to regional development (CIV \$29,370,000) application originally determined by SWCPP
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 64 – Advertising and Signage • Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013)
Report prepared by	Sarah Pritchard, Senior Development Planner, Cumberland Council
Report date	13 October 2017



Figure 1 Perspective from Sturt Street and Pavesi Street intersection (John R. Brogan & Associates)

ASSESSMENT REPORT

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Attachment 2 – Draft determination

Attachment 3 – Assessment of compliance with SEPP No 64 – Advertising and Signage

Attachment 4 – Assessment of compliance with Holroyd LEP 2013

Attachment 5 – Assessment of compliance with Holroyd DCP 2013

1 Executive Summary

- 1.1 This application proposes internal and external modifications to an approved building supplies development at 1-15 Sturt Street, Smithfield. The modification application seeks approval for changes to the size of some wall signs, one additional wall sign to the northern elevation, a change in the external finish to the office/admin area at the northern end of the building, and part of the trade sales area at the southern end of the site, various internal modifications, enclosure of the trade sales area, and an increase in the height of the northern parapet by 1.5 m. A copy of the plans depicting the proposed amendments is provided at **Attachment 1**.
- 1.2 The original application was approved by the Sydney West Central Planning Panel on 22 May 2017 as it had a capital investment value of \$29,370,000, and as such constitutes 'regional development'. The subject modification application is being referred to the Panel as it is a section 96(2) application for a regional development application. While Council is responsible for the assessment of the DA, the Panel is the consent authority.
- 1.3 The site is zoned IN1 – General Industrial pursuant to HLEP 2013. Hardware and building supplies is defined in the LEP as follows:
- 'hardware and building supplies'** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas'.*
- 'Hardware and building supplies' is permissible with development consent and the proposal is consistent with the objectives of the zone.
- 1.4 The Height of Buildings Map does not specify a maximum height for the site.
- 1.5 The Floor Space Ratio Map does not specify a maximum FSR for the site.
- 1.6 The development is generally consistent with the requirements of HDCP 2013, with the exception of the front setback and signage controls.

- 1.7 The front setback non-compliance was endorsed under the original application and the subject modification application does not seek to increase the front setback non-compliance and does not introduce any new setback non-compliances.
- 1.8 The original application also endorsed signage that did not comply with the controls under Part F of HDCP 2013. The proposed modifications include an increase in the total number of signs and the size of some approved signs. This exacerbates the existing DCP non-compliances, however, is considered satisfactory as discussed under **section 8** of this report.
- 1.9 The proposed modifications include an increase in the height of part of the building (but not an increase to the overall building height), and an increase in the gross floor area as a result of the enclosure of the trade sales area. However, as there are no height or FSR standards applying to the site, these modifications raise no environmental planning concerns.
- 1.10 The modification application was referred to NSW Roads and Maritime Services (RMS) for comment. RMS raised no concerns with the proposed modifications and did not recommend any additional conditions.
- 1.11 The modification application was referred to Council's Development Engineering, Landscaping & Tree Management, and Traffic Engineering sections for comment. No issues were raised by any of the internal departments and no additional conditions are required.
- 1.12 The modification application was notified to surrounding property owners and occupiers and advertised in the local newspaper between 26 July and 9 August 2017. No submissions were received as a result of the notification.
- 1.13 The proposed modifications have been assessed against the relevant matters for consideration pursuant to section 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979, including suitability of the site and the public interest. The proposal is considered satisfactory subject to appropriate conditions.
- 1.14 In light of the above, it is recommended that the Panel approve the modification application subject to the imposition of appropriate conditions. Recommended conditions are provided at **Attachment 2** to this Report.

2 Location

- 2.1 The subject site is located on the corner of Cumberland Highway (Warren Road) and Sturt Street, within the Smithfield Industrial Area.



Figure 2 Location Map (Source: IFM)

3 Site Description

- 3.1 The subject site forms lot 12, in DP 1004594, and is known as 1-15 Sturt Street, Smithfield. The land is a trapezium corner lot and has a frontage of 126.985m to Cumberland Highway (Warren Road) and 307.525m to Sturt Street. The site has an area of 2.952 ha.



Figure 3 Aerial image of site and surrounds (Source: IFM)

- 3.2 The subject site currently contains two single storey industrial warehouse buildings and large hardstand car parking areas to the northern and eastern ends of the site. Currently access to the site is via four (4) vehicular crossings along Sturt Street. An additional access point via the Cumberland Highway was approved under the original application.
- 3.3 The area surrounding the site is predominantly characterised by warehouses and industrial uses. There is a Low Density Residential zoned area located approximately 370 m to the east and 200 m to the north of the subject site. The lots on the opposite side of Sturt Street are zoned IN2 – Light Industrial.
- 3.4 The site falls approximately 2.7 m from east to west. The site is subject to flooding in the 1:100 year ARI storm event.
- 3.5 The subject site is zoned IN1 – General Industrial pursuant to HLEP 2013 as shown in Figure 4 below.

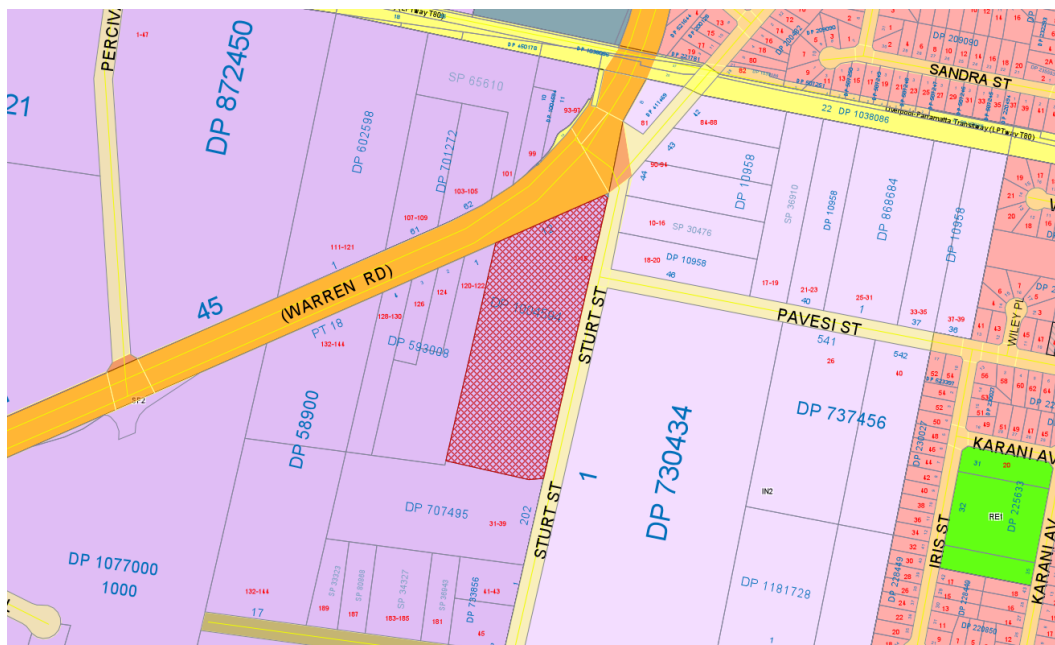


Figure 4 Zoning map (Source: IFM)

4 Background

- 4.1 DA 2016/171/1 was approved for *part demolition of existing structures; bulk earthworks; construction and use of a hardware and building supplies store (Bunnings) with associated plant nursery and landscape supplies; signage; new road and Torrens subdivision of land into 2 lots*, by the Sydney West Central Planning Panel on 27 April 2017.
- 4.2 Section 96(1A) application 2016/171/2 was approved by Council on 18 July 2017 for changes to condition 146 of the consent. Condition 146 was modified to read as follows:
146. *Documentary evidence and/or certificate of compliance must be submitted to Council to show that demolition of the building on proposed Lot 1 and alterations to the existing building on proposed Lot 2 to remedy the building demolition works undertaken on Lot 1 have been completed. The remedy works to the existing building on proposed Lot 2 may require a Construction Certificate. You are to consult your Principal Certifying Authority in this regard. At the completion of the remedy works to the existing building on proposed Lot 2, a BCA compliance report shall be submitted to Council ensuring that the existing building on proposed Lot 2 complies with the provisions of the BCA.*
- 4.3 The subject modification application 2016/171/3 was lodged with Council on 30 June 2017.
- 4.4 Section 96(1A) application 2016/171/4 was lodged with Council on 10 August 2017 seeking minor alterations to the slip lane off Sturt Street. This application is yet to be determined.

5 The Proposed Modifications

- 5.1 The existing consent is for the *part demolition of existing structures; bulk earthworks; construction and use of a hardware and building supplies store (Bunnings) with associated plant nursery and landscape supplies; signage; new road and Torrens subdivision of land into 2 lots*.
- 5.2 Specific details of the proposed modifications are as follows:

- Increase to the height of the northern parapet facing Cumberland Highway by 1.5 metres and minor changes to the northern façade;
- Enclosure of the trade sales area by the replacement of mesh walls on the southern, eastern and western elevations with concrete panel walls;
- Changes to the external finish of part of the trade sales area, and the office/admin area from Colorbond metal cladding to painted RC panel;
- Various minor internal alterations to the design of the travelator, fire stairs, roller shutter doors, internal doors and new WC at southern end of timber trade sales area;
- One additional wall sign to the northern elevation, and changes to the size of some approved signs.

The following table summarises the changes to the proposed signage:

Wall	Approved signs	Proposed signs
North	7.9m x 2.5m 'Bunnings Warehouse' 7.9m x 2.5m ' Bunnings Warehouse' 6.5m x 2.59m Hammer logo – 'lowest prices are just the beginning'	11.2m x 3.5m 'Bunnings Warehouse' 11.863m x 3.5m 'Bunnings Warehouse' 10.816m x 5.05m Hammer logo – 'lowest prices are just the beginning' 9.386m x 3.25m Hammer logo – 'lowest prices are just the beginning'
East	18.192m x 5.75m 'Bunnings Warehouse' 18.425m x 7.2m Hammer logo – 'lowest prices are just the beginning'	18.192m x 5.75m 'Bunnings Warehouse' 18.425m x 7.2m Hammer logo – 'lowest prices are just the beginning'
South	11.863m x 3.75m Hammer logo – 'lowest prices are just the beginning'	18.192m x 5.75m 'Bunnings Warehouse' 9.385m x 3.25m Hammer logo – 'lowest prices are just the beginning'
West	18.192m x 5.75m 'Bunnings Warehouse' 18.425m x 7.2m Hammer logo – 'lowest prices are just the beginning'	18.192m x 5.75m 'Bunnings Warehouse' 9.385m x 3.25m Hammer logo – 'lowest prices are just the beginning'

The application does not seek to modify the approved pylon sign.

Enclosure of the trade sales area results in additional Gross Floor Area of 1250m². However, there is no development standard for FSR and this modification will not increase the visual bulk or intensity of the development. As such, this modification is considered satisfactory.

The additional height to the northern parapet does not increase the total height of the building. The highest point of the development is the entry roof feature. The increase in the northern parapet does not exceed the height of the roof feature. Regardless, there is no height standard applying to the subject site and as such the proposed modification is considered satisfactory.

6 Section 96(2) Assessment

6.1 The application has been assessed against the relevant matters for consideration under section 96(2) of the EP&A Act. The assessment is as follows:

- a. The development as proposed to be modified is substantially the same development as that for which consent was originally granted. That is, *part demolition of existing structures; bulk earthworks; construction and use of a hardware and building supplies store (Bunnings) with associated plant nursery and landscape supplies; signage; new road and Torrens subdivision of land into 2 lots.*

The fundamental components of the approved development such as building footprint, height, car parking arrangements and proposed use will be maintained.

- b. RMS provided concurrence for the original application and as such was notified of the subject modification. RMS raised no objection to the proposed modifications.
- c. The subject modification application was notified in accordance with Part E – Public Participation of HDCP 2013.
- d. No submissions were received during the notification period.
- e. The relevant matters referred to in section 79C of the EP&A Act have been considered in the assessment of the application. Refer to **section 12** of this report for details of the section 79C assessment.

7 Planning Controls

7.1 The planning controls that relate to the proposed development are as follows:

a. State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers development listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 as 'regional development', requiring referral to a Sydney Planning Panel for determination. The proposed development constitutes 'Regional Development' as it is an application for a modification (pursuant to section 96(2) of the EP&A Act) of a development consent previously granted by the Panel.

c. State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. Where contamination is, or may be present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

A preliminary waste classification & environmental site assessment prepared by Environmental Investigation Services (EIS) (ref: E28497Krpt) dated 15 July 2015 was submitted with the original application.

The report identified asbestos containing materials at the surface and within fill material at the site.

The following condition was imposed on the original consent:

Remediation of Land - Validation Report

142A. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Occupation Certificate shall not be issued until Council approves this Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, Consultants Reporting on Contaminated Sites, and shall:

- describe and document all works performed;*
- include results of validation testing and monitoring;*
- include validation results of any fill imported on to the site;*
- show how all agreed clean-up criteria and relevant regulations have been complied with; and*
- include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.*

Subject to the remedial works as recommended in the EIS report dated 15 July 2015 being carried out, and compliance with condition 142A of the original consent, Council considers that the site will be suitable for the proposed use.

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

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The proposed signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, is of high quality design and finish, and is therefore consistent with the aims and objectives of clause 3 of SEPP 64.

The table in **Attachment 3** provides an assessment of the proposed signage against the assessment criteria of SEPP 64.

e. Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The site is located within the Georges River Catchment. The SEPP aims to maintain and improve water quality of Georges River and protect and enhance the environmental quality of the Catchment. The proposed modifications are satisfactory with regard to the planning principles and planning requirements under the SEPP.

f. Holroyd Local Environmental Plan (HLEP) 2013

The site is zoned IN1 - General Industrial pursuant to HLEP 2013. 'Hardware and building supplies' is defined as a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas'.

The development as proposed to be modified is considered to be consistent with the relevant objectives of the zone as it will provide for employment opportunities in association with warehouse land uses, whilst supporting industrial uses in the area.

The proposed modifications do not result in any non-compliances with the relevant development standards under HLEP 2013.

g. Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 applies to the site. **Attachment 5** provides a table that outlines the proposal's compliance with the relevant controls from HDCP 2013. The development is generally consistent with the requirements of the DCP with the exception of the front setback control and non-compliance with the size and number of signs provided for each elevation. These variations are discussed in further detail in **section 8** of this report.

8 Key Issues

8.1 Variations to HDCP 2013 development controls

As noted above, **Attachment 5** provides a table that details the proposal's compliance with HDCP 2013. The development is generally consistent with the requirements of the DCP, with the exception of the front setback and signage controls.

Section 2.5 Setbacks of Part D - *Industrial Controls* requires a setback of 15m to both primary and secondary street frontages.

A varying front setback of between 7.5m and 16.8m is provided to Sturt Street and a varying front setback of between 5m to 34m is provided to Cumberland Highway. These non-compliant setbacks were approved under the original application and the subject modification application does not seek to modify these setbacks or exacerbate the non-compliance in any way.

Part F – Advertising and Signage of HDCP 2013 contains general signage controls, as well as specific controls for particular types of signage.

The development as approved includes multiple wall signs on each elevation where the DCP permits a maximum of one. The subject modification application also proposes an additional sign on the northern elevation which exacerbates the non-compliance. However, the proposed signage is considered appropriate with regard to the size, scale and character of the site and building. Enlarged wall signs to street elevations will assist in adequately identifying the nature of the business to be conducted on the site, without affecting safety or compromising the rights of other advertisers in any way.

8.2 Environmental Management

a. Waste

A Waste Management Plan (WMP) was endorsed under the original application. The proposed modifications will not result in any changes to the approved waste management arrangements.

b. Contamination

Preliminary waste classification & environmental site assessment prepared by Environmental Investigation Services (EIS) (ref: E28497Krpt) dated 15 July 2015 was submitted with the original application. Subject to compliance with the recommendations of that report, the site will be suitable for the proposed use. A condition was imposed on the original consent requiring the submission of a site validation report, to be prepared in accordance with EPA guidelines at the completion of the remediation works.

c. Arboricultural Impact

Sixty eight (68) trees within the site and seven (7) trees within the Cumberland Highway road reserve were approved to be removed under the original application. The proposed modifications will not require the removal or pruning of any additional trees.

9 External Referrals

- 9.1 The subject modification application was referred to NSW Roads and Maritime Services (RMS). RMS raised no concerns regarding the proposed modifications.

10 Internal Referrals

- 10.1 The subject modification application was referred to internal sections of Council as summarised in the table below:

Development Engineering	No objection, subject to stormwater plans being amended to be consistent with architectural plans
Traffic Engineering	No objection, no conditions
Landscaping & Tree Management	No objection, no conditions

11 Public Comment

- 11.1 The application was placed on public exhibition from 26 July to 9 August 2017. Letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on the site. No submissions were received.

12 Section 79C Assessment

- 12.1 Consideration of the matters prescribed by section 79C of the EP&A Act is summarised below:

Head of Consideration	Comment	Complies
a. the provisions of: (i) any environmental planning instrument (EPI) (ii) any draft environmental planning instrument (EPI) (iii) any development control plan	The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in section 7 of this report.	Yes

(iiia) any planning agreement		
(iv) the regulations	No concerns relating to the provisions of the regulations.	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of key issues relating to the proposed development is provided in section 8 of this report. It is considered that the development as proposed to be modified will have an acceptable environmental impact in the locality.	Yes
c. the suitability of the site for the development	The site is considered suitable for the proposed development, subject to completion of remediation works and alterations to site access and traffic arrangements.	Yes
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers for a period of 14 days. No submissions were received.	Yes
e. the public interest	The proposed modifications relate to an approved hardware and building supplies development on land in the IN1 – General Industrial zone. The proposed modifications are generally consistent with the relevant development controls and standards. Accordingly, it is considered that the proposed modifications are not contrary to the public interest.	Yes

13 Conclusion

- 13.1 The proposed modification application has been assessed against the matters for consideration listed in section 79C of the EP&A Act and is considered to be satisfactory. The likely impacts of the development as proposed to be modified are satisfactory and the proposal is not contrary to the public interest. The subject site is considered suitable for the development, as proposed to be modified.
- 13.2 The proposal is consistent with the objectives of Holroyd LEP 2013 and the IN1 General Industrial zone and is permissible in the zone with development consent. The proposal also complies with the relevant provisions of Holroyd DCP 2013, with the exception of the front setback (as approved under the original application) and the number and dimension of signs proposed. The proposed modifications are considered satisfactory with regard to environmental impact, subject to the imposition of appropriate conditions of consent.

14 Recommendation

- a) The modification application be approved by the Sydney West Central Planning Panel subject to the conditions at Attachment 2.
- b) The applicant be advised of the Sydney West Central Planning Panel's decision.

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