

Sydney North Planning Panel

Panel Reference	2018SNH034
DA Number	MOD2018/0163 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	<p>Modification of the Bunnings Warehouse component (Stage 1) and Stage 3 parts of the development including:</p> <ul style="list-style-type: none"> • relocation of the childcare centre from Stage 1 to Stage 3, • changes to the building height of the Bunnings Warehouse, • a reduction in the overall car parking, • adjustment to the ramp from Frank Street, • changes to the signage; and • changes to the roadworks in Frank Street.
Street Address	459 & 461-495 Victoria Road, Gladesville
Applicant	Bunnings Properties Pty Ltd
Owners	<p>Bunnings Properties Pty Ltd – 461-495 Victoria Road, Gladesville.</p> <p>Salvatore and Anna Circosta – 459 Victoria Road, Gladesville.</p>
Date of Lodgement	21 June 2018
Number of Submissions	2 submissions received
Regional Development Criteria (Schedule 7 of the SEPP (State & Regional Development) 2011)	Modification applications for regionally significant development under Section 4.55(2) of the EP&A Act
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 –

	Remediation of Land; <ul style="list-style-type: none"> • State Environmental Planning Policy No. 64 Advertising and Signage • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • State Environmental Planning Policy (Infrastructure) 2004 • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • Ryde Local Environmental Plan 2014; • City of Ryde Development Control Plan 2014 • Section 7.11 Development Contributions Plan 2007.
List all documents submitted with this report for the panel's consideration	Attachment 1: Conditions of consent in respect of MOD2018/163 (this modification)
Report by	Rebecca Lockart - Senior Town Planner
Report dated	20 August 2017

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes – applicant agrees to the conditions.

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

This report considers a Section 4.55(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. On the 28 October 2015, consent was granted to LDA2015/0214 following consideration of the application by the then 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 modifications under this Section 4.55(2) involve the following amendments:

- Changes to the building footprint, with associated setbacks to Frank Street amended increasing from 20.4m as originally approved under LDA2015/0214, to 32.5m for the main warehouse. The Victoria Road and College Street setbacks will remain as approved under the 2017 modification.
- Changes to the maximum building height of the Bunnings Warehouse to RL58.7, from RL62.4 as originally approved under LDA2015/0214 and RL58.4 under the 2017 modification.
- Relocation of the child care centre from Stage 1 to Stage 3, with the total floor space, children numbers and parking remaining unchanged to that of the 2017 modification.
- Changes to the overall GFA of the development from a total of 37,090m² as originally approved under LDA2015/0214, to 36,542m².
- Reduction in parking spaces from 900 as originally approved under LDA2015/0214 to 758.
- Changes to the levels of the parking areas of the bulky goods homemakers centre in Stages 2 and 3 to match the levels of the Stage 1 Bunnings Warehouse car park.
- Changes to the gradient of the College Street driveway ramp to comply with Condition 51 of the consent.
- Changes to the signage strategy for the building with dimensions generally being reduced in area to that originally approved under the LDA2015/0214 approval.
- Minor building amendments to respond to rainwater tank and sprinkler system requirements.

- Amendments to the roadworks along Frank Street to remove the central median in Frank Street which will also affect the proposed boundary line of the site at the corner of Victoria Road and Frank Street.
- Consequential changes to landscaping as a result of the building footprint and setbacks.

The reason for the proposed modification is due to refinements in the design of the Bunnings Warehouse and to respond to market needs for child care centres in the local area.

This modification application was advertised and notified in accordance with Ryde Development Control Plan 2014 (Ryde DCP 2014) Part 2.1 and two (2) submissions were received. Both submissions raise concerns relating to the removal of the median strip from Frank Street. The issues raised in the submissions are discussed further in the report.

The proposal modifications are considered acceptable and will not give rise to significant additional impacts to the amenity of the area and can be supported.

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.

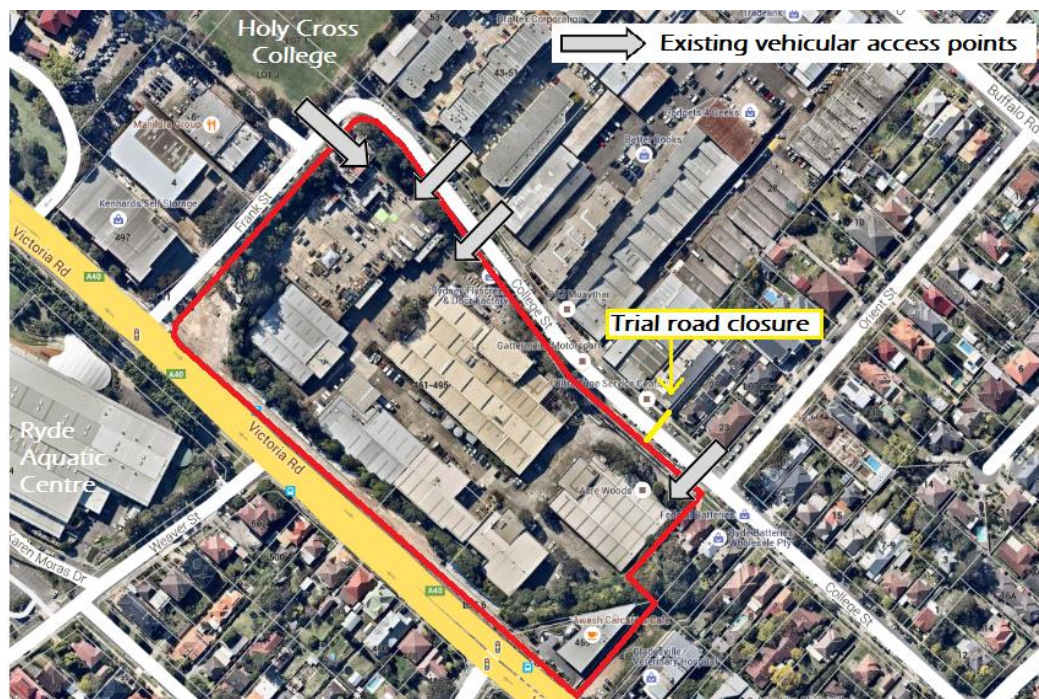


Figure 2: Aerial photograph of the site identifying existing vehicle access points

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 (prior to demolition works) 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 (see **Figure 4**).



Figure 4: The site looking north-east from Victoria Road (Source: Google)

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 5** below.



Figure 5: 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. 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 6** below).

Between 2 and 4 storey buildings are located to the north-west of the site on the opposite side of Frank Street. **Figure 7** 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: Existing industrial buildings on the opposite side of College Street



Figure 7: Kennard's Hire Building on the corner of Victoria Road and Frank Street (Source: Google)

4. BACKGROUND

Original Consent – LDA 2015/0214

On the 28 October 2015, consent was granted to LDA2015/0214 following consideration of the application by the then Sydney East Joint Regional Planning Panel (JRPP) (Attachment 1). 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 which 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.

The subject application is the fourth Section 4.55 applications of LDA2015/0214 to modify the approved development consent. Three applications have been approved to date, with the subject proposal the fourth. The following outlines the previous modifications to LDA2015/0214:

2016 Modification - Section 4.55(1A) application MOD2016/0056

MOD2016/0056 was approved by Council on 16 December 2016 ('the 2016 modification'). The modification was largely based on the building footprint and envelope as originally approved.

Changes included:

- 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
- 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 1271m² in order to increase the child capacity from 50 children to 90 children
- Amendment to the staging of the monetary contribution required under Council's Section 7.11 (previously S94) Contribution Plan and
- Amendment to Roads & Maritime Services conditions to clarify when documentation needs to be submitted to the RMS.

This modification also changed the review timeframe for the College Street trial road closure, from 12 months after the operation of the Bunnings store in Stage 1 as originally approved under LDA2015/0214, to 12 months after the operation of the Tennyson Road intersection in Stage 2 of the development.

2017 Modification - Section 4.55(2) application MOD2017/0078

A Section 4.55(2) application under MOD2017/0078 was approved by the Sydney North Planning Panel at its meeting on 7 August 2017 ('the 2017 modification'). The modifications approved related predominantly to Stage 1 construction of Bunnings Warehouse and access arrangements. This application made more

significant changes to the building footprint and layout, which whilst still a 'Bunnings Warehouse', increased building setbacks, reduced parking provision and reduced the overall height of the building to that originally approved.

The 2017 modification included the following amendments:

- Changes to the building footprint, with associated setbacks to streets amended
- Changes to the vehicular access points to the Bunnings Warehouse
- 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 Bunnings Warehouse from RL62.4 to RL60.35
- The child care centre moved from Warehouse Level 1 and 2 to Car Park Levels 1 and 2 and a change in GFA from 940m² under the original consent to 1,137m²
- Changes to the approved signage, and one additional wall sign on the College Street/eastern internal elevation corner and
- Amendments to the landscaping works in response to the changes to the building footprint, including removal of two (2) additional trees.

It is noted that while the overall GFA of the Bunnings warehouse is reduced, the outdoor nursery and timber sales areas increased by 583m² and 208m² respectively. In addition, the Homemakers Centre (Bulky goods retailing) in Stage 3 increased by 1,360m² as a result of the amendments to child care centre and the Bunnings store entrance relocation which resulted in a minor redesign of the western end of the Stage 3 tenancy layout.

2018 Modification - Section 4.55(1A) application MOD2018/0162

On 30 July 2018 Council approved a Section 4.55(1A) application which amended Condition 45 of the consent relating to the timing of the preparation of a Pedestrian and Road Safety Audit and Management Plan (PRSAM Plan). The modification changed the timing of Condition 45 which required the PRSAM Plan to occur prior to the issue of a Construction Certificate #3^{*1} for Stage 1 (the Bunnings Warehouse), to occur prior to the issue of any Occupation Certificate for Stage 1.

^{*1}Note: Condition 1 of the consent specifies the staging of Construction Certificates as follows:

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

- #1: Excavation, in-ground services/footings and retaining walls;
- #2: car parking levels;

- #3: retail levels and roof; and
- #4: internal fitout.

This Section 4.55(1A) modification was lodged at the same time as the subject Section 4.55(2) application, however was considered inconsequential to the assessment of this subject application.

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.

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.

5. PROPOSAL

The modifications under this Section 4.55(2) refine the approved development under the 2017 modification and the relocation of the child care centre from Stage 1 to Stage 3. The proposed amendments include:

- Changes to the building footprint, with associated setbacks to Frank Street amended increasing from 20.4m as originally approved under LDA2015/0214, to 32.5m for the main warehouse. The Victoria Road and College Street setbacks will remain as approved under the 2017 modification.
- Changes to the maximum building height of the Bunnings Warehouse to RL58.7, from RL62.4 as originally approved under LDA2015/0214 and RL58.4 under the 2017 modification.
- Relocation of the child care centre from Stage 1 to Stage 3, with the total floor space, child numbers, and parking remaining unchanged to that of the 2017 modification.
- Minor changes to the overall GFA of the development from a total of 37,090m² as originally approved under LDA2015/0214, to 36,542m².
- Reduction in parking spaces from 900 as originally approved under LDA2015/0214 to 758.
- Changes to the levels of the parking areas of the bulky goods homemakers centre in Stages 2 and 3 to match the levels of the Stage 1 Bunnings Warehouse car park.
- Changes to the gradient of the College Street driveway ramp to comply with Condition 51 of the consent.
- Changes to the signage strategy for the building with dimensions generally being reduced in area to that originally approved under the LDA2015/0214 approval.
- Minor building amendments to respond to rainwater tank and sprinkler system requirements.
- Amendments to the roadworks along Frank Street to remove the central median in Frank Street which will also affect the proposed boundary line of the site at the corner of Victoria Road and Frank Street and
- Consequential changes to landscaping as a result of the building footprint and setbacks.

5.1 Changes to the Bunnings Warehouse building footprint and layout

The proposal includes changes to the building footprint and setbacks of Stage 1. Overall the proposed amendments result in the same or increased setbacks from all street frontages outlined in **Table 2** and as shown at **Figure 8**.

Table 2. Setbacks to street frontages (minimum)

Setbacks	LDA2015/214	2017 Modification	Proposed Modification
College Street	5m	16.6m	16.6m
Frank Street near corner of College Street	2.25m	1.9m	1.9m
Frank Street near corner of Victoria Road	20.4m	28.9m	32.5m
Victoria Road	6m	16.8m	16.8m

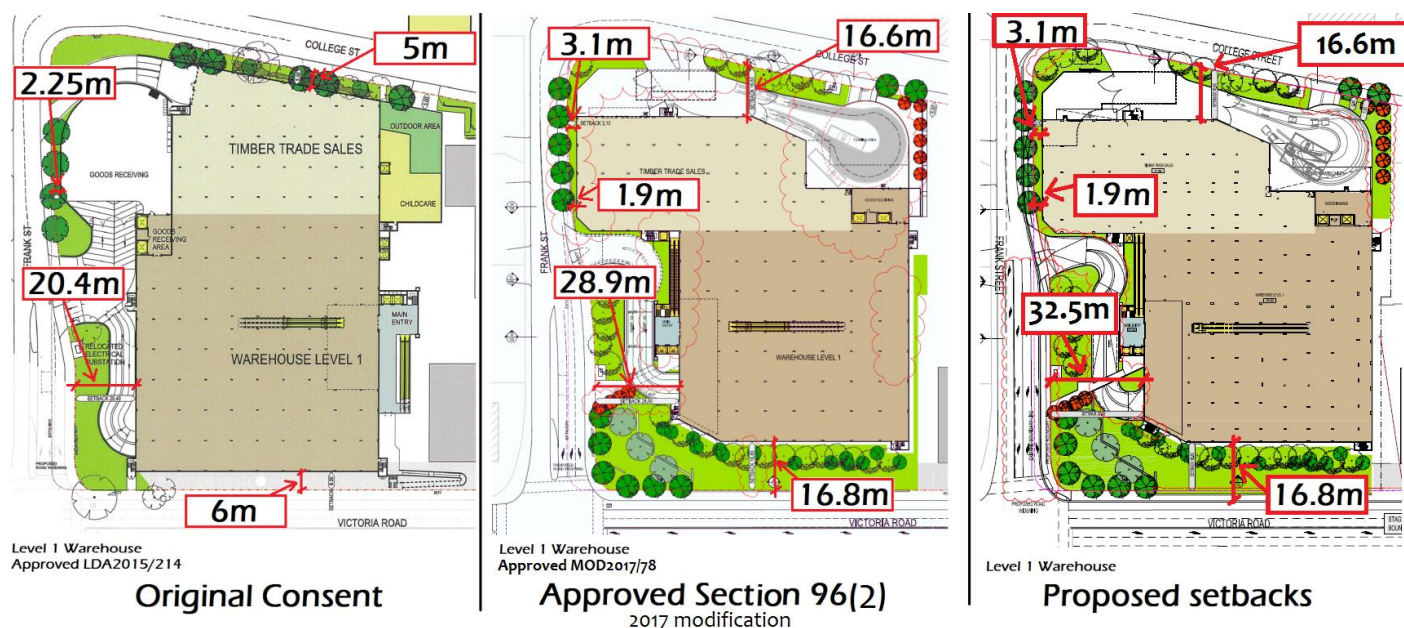


Figure 8. Building setbacks of the Stage 1 development as approved (LDA2015/215 & 2017 modification) and proposed modification.

5.2 Gross Floor Area

The new building design will result in redistribution of GFA across the stages as outlined in **Table 3**.

Table 3. Changes to Gross Floor Area

	Original Approval LDA2015/214	2017 Modification	Proposed Modification
Stage 1	28,462m ²	26,542m ²	25,423m ²
Stage 2	33,283m ²	31,287m ²	30,168m ²
Stage 3 (Final)	37,090m ²	36,530m ²	36,542m ²
Site Area	37,090m ²	37,090m ²	37,090m ²
FSR	1:1	0.98:1	0.98:1

These changes amended the overall GFA of the development from a total of 37,090m² and FSR of 1:1 as originally approved under LDA2015/0214, to 36,542m², and an FSR of 0.98:1.

It is also noted that the proposal includes minor resultant changes in the floor areas, including:

- Reduction in the floor area of the outdoor nursery by an additional 10m² to that approved in the 2017 modification (to 1,633m²); and
- Increase in the floor area of the admin/office area by 12m² to that approved in the 2017 modification.

5.3 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 an increase in the maximum building height of the Bunnings

Warehouse from the development as approved under the 2017 modification, but continue to be less than originally approved under LDA2015/0214.

Table 4 below identifies the approved floor levels (under LDA2015/0214 and the 2017 modification) compared with the proposed modification.

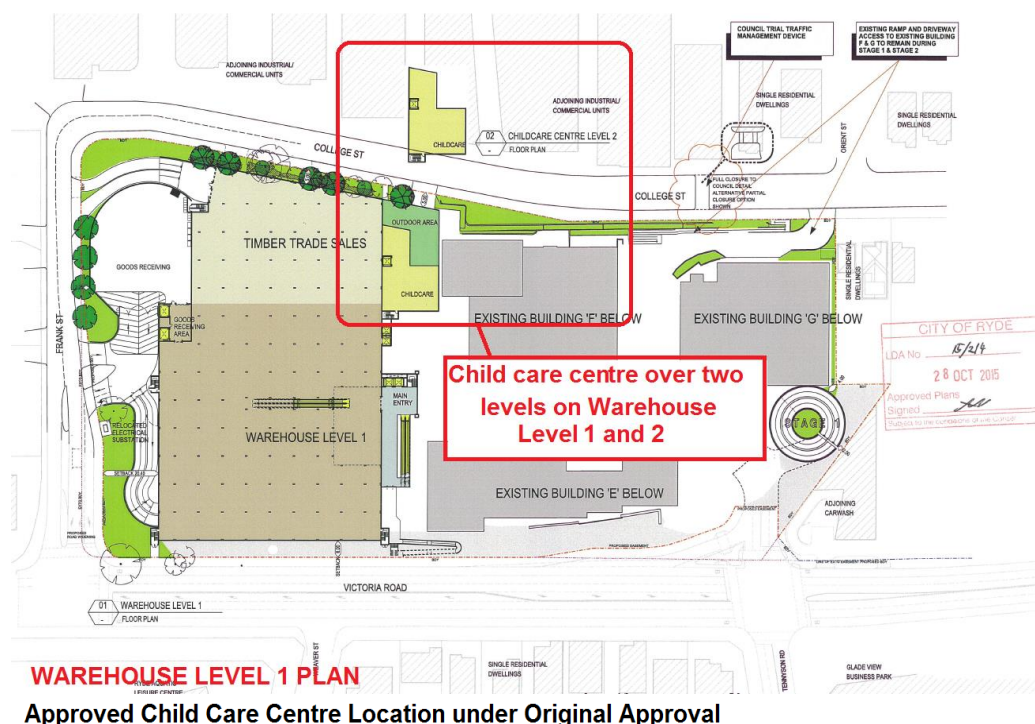
Table 4. Changes to finished floor levels of Bunnings Warehouse – Stage 1

Floor Level	Original Approval LDA2015/214	2017 Modification	Proposed Modification
Top of Parapet (maximum building height)	RL 62.40	RL 58.40	RL 58.70
Warehouse Level 2	RL52.00	RL49.90	RL50.20
Warehouse Level 1	RL45.40	RL43.30	RL43.50
Car Park Level 1	RL41.40	RL39.40	RL39.40
Car Park Level 2	RL35.00	RL36.40	RL36.30

5.4 Relocation of the child care centre

This modification seeks to relocate the child care centre from Stage 1 to Stage 3, with the total floor space, children numbers and parking remaining unchanged to that of the 2017 modification, being 90 children, 19 parking spaces and gross floor area of 1,131m².

This subject application seeks to defer the child care centre component of the development from Stage 1 to Stage 3. In doing so, the layout of the centre and its position within the development will change from being over two levels on Warehouse Levels 1 and 2, to being over one level on Carpark Level 1.



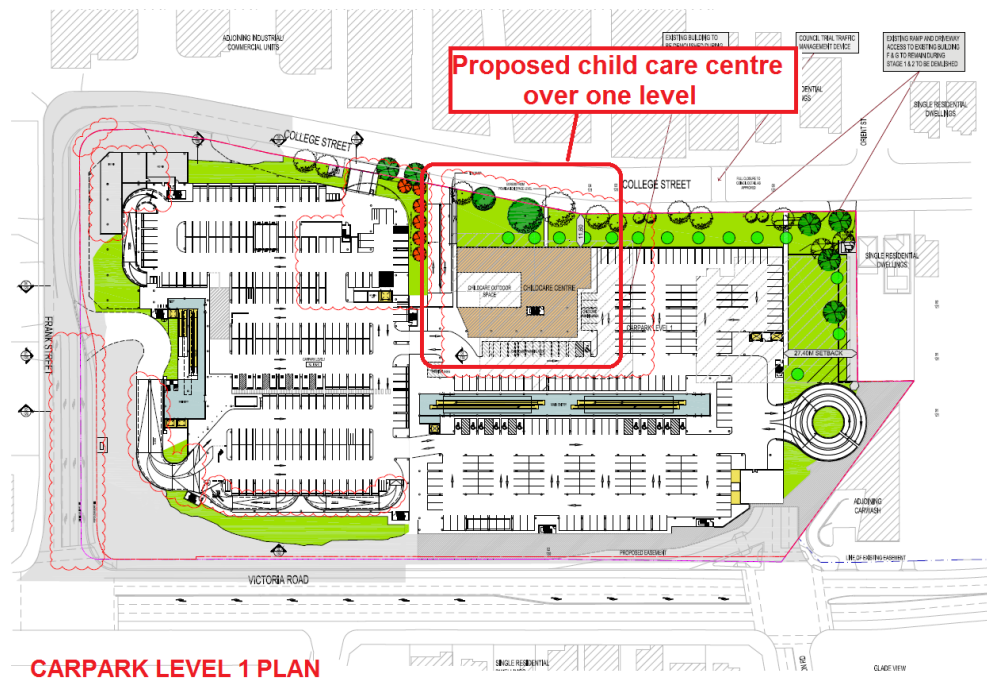


Figure 9. Location of Child Care Centre as approved (LDA2015/0214) and proposed (MOD2018/0163)

5.5 Other consequential design and layout modifications

While the design and layout of the Bunnings Warehouse will remain substantially the same, a number of relatively minor resultant design amendments are proposed including:

- Fire and OSD tanks to be installed under the timber trade sales within the Frank Street/College Street corner frontage.
- Minor adjustments to the gradient of the access driveways from College Street and Frank Street in response to the new car park levels and Conditions of consent respectively.
- Adjustments to the main entry area layout.
- Redesign of Carpark Level 1 parking spaces as a result of the relocation of the child care centre.
- Adjustment to the College Street ramp from Carparking level 2 of the bulky goods home maker centre to lower by 100mm to match the amended floor levels of the Bunnings Warehouse car park level 2.

5.6 Parking amendments

With the reallocation of GFA across the site and relocation of the child care centre to Stage 3, the parking provision has changed across each of the stages, resulting in a total reduction of parking spaces from 900 under the original approved LDA2015/0214, to 758.

Table 5 below provides a summary of the proposed parking distribution.

Table 5. Proposed Car Parking Summary

Land use	Stage 1		Stage 2		Stage 3	
	GFA	Required Provided	GFA	Required Provided	GFA	Required Provided
Bunnings	17,960m ² (includes garden centre)	<u>Required:</u> 400-449 <u>Provided:</u> 462	As for Stage 1	462	As for Stage 1	462
Homemaker Centre	0	0	8,500m ²	<u>Required:</u> 139 <u>Provided:</u> 167	8,500m ² + 9,083m ² = 17,583m ²	<u>Required:</u> 288 <u>Provided:</u> 277
Child Care Centre	N/A	N/A	N/A	N/A	<u>Required:</u> 19 <u>Provided:</u> 19	<u>Required:</u> 19 <u>Provided:</u> 19
Retained Buildings - warehouse	9095m ²	<u>Required:</u> 30	5,340m ²	<u>Required:</u> 18	0	0
- industrial		<u>Required:</u> 118-136 <u>Provided:</u> 106		<u>Required:</u> 59-80 <u>Provided:</u> 40	0	0
TOTAL	568		669		758	

The development as modified once completed will have 758 parking spaces with 462 spaces allocated to Bunnings and 277 spaces to service the bulky goods retail space and 19 to the child care centre.

5.7 Signage

The original consent included approval for ten (10) business identification signs (signs 1-9 shown at **Figure 10**).

The proposed modification seeks to amend the signage designs as shown at **Figure 12**, and as outlined in **Table 9**:

Table 9. Summary Approved and Proposed Signage

Building Façade and Sign Number	Approved LDA2015/0214	2017 Modification	Proposed Modification
1. East	"Bunnings Warehouse" text with dimensions of 7.9m x 2.5m	Relocation of approved painted wall signs and increase in size to 25.94m ²	Adjust the width of the sign to 25.609m
2. East	Hammer logo with "Lowest Prices are just the beginning..." text with dimensions of 18.425m x 7.2m	Relocation of approved painted wall signs and increase in size to 25.454m wide.	Adjust the width of the sign to 25.66m

Building Façade and Sign Number	Approved LDA2015/0214	2017 Modification	Proposed Modification
3. North 2 signs	"Bunnings Warehouse" text x two (2) signs with dimensions of 11.8m x 3.75m (Level 1 wall) and 7.907m x 5.5m (Level 2 wall)	One additional painted wall sign 7.9m x 2.5m reading 'Bunnings Warehouse'.	- Level 2 <i>Bunnings Warehouse</i> sign reduced to 8.932m - Level 1 <i>Bunnings Warehouse</i> sign reduced to 10.793m
4. North	Hammer logo with "Lowest Prices are just the beginning..." text with dimensions of 11.8m x 3.75m	Increase in the size of the sign with the hammer logo by 4m in length.	Hammer logo sign reduced to 8.95m.
5. South	"Bunnings Warehouse" text with dimensions of 18.192m x 10.5m	Relocation of approved painted wall signs with no change to size.	No change from 2017 modification.
6. South	Hammer logo with "Lowest Prices are just the beginning..." text with dimensions of 18.425m x 10.5m	Relocation of approved painted wall signs with no change to size.	No change from 2017 modification.
7. West	"Bunnings Warehouse" text with dimensions of 18.192m x 5.75m	Bunnings Warehouse sign reduced from 18.2m x 5.75m to 11.9m x 3.75m	Slight reduction in width to 17.54m
8. West	Hammer logo with "Lowest Prices are just the beginning..." text with dimensions of 18.425m x 10.5m.	Hammer Logo sign reduced from 18.425m x 3.75m to 13.615m x 5.5m	Increase in width from 2017 modification to 17.575m, but less than approved sign with of the original DA.
9. Pylon sign	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).	Location changed within the front setback / corner.	No change from 2017 modification.
10. East		<i>Bunnings Warehouse</i> text with dimensions of 8.36m x 2.75m	Deleted. Removal of this sign which was on a curved elevation.
Homemaker signage	Various signage allocations	No change from original approval.	No change from original approval.

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

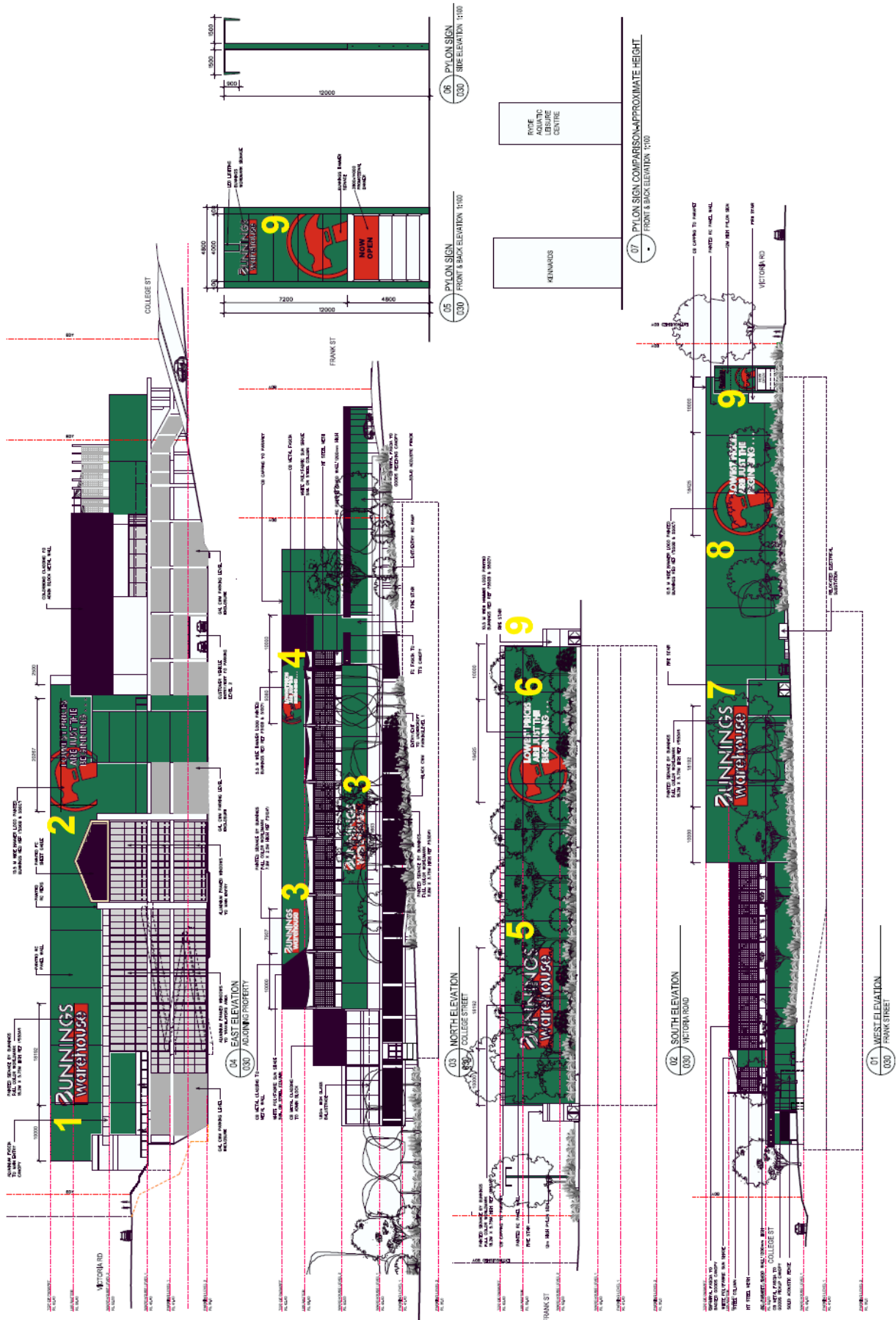


Figure 10. Approved signage on Stage 1 Bunnings Warehouse

Approved Signage - LDA2015/0214

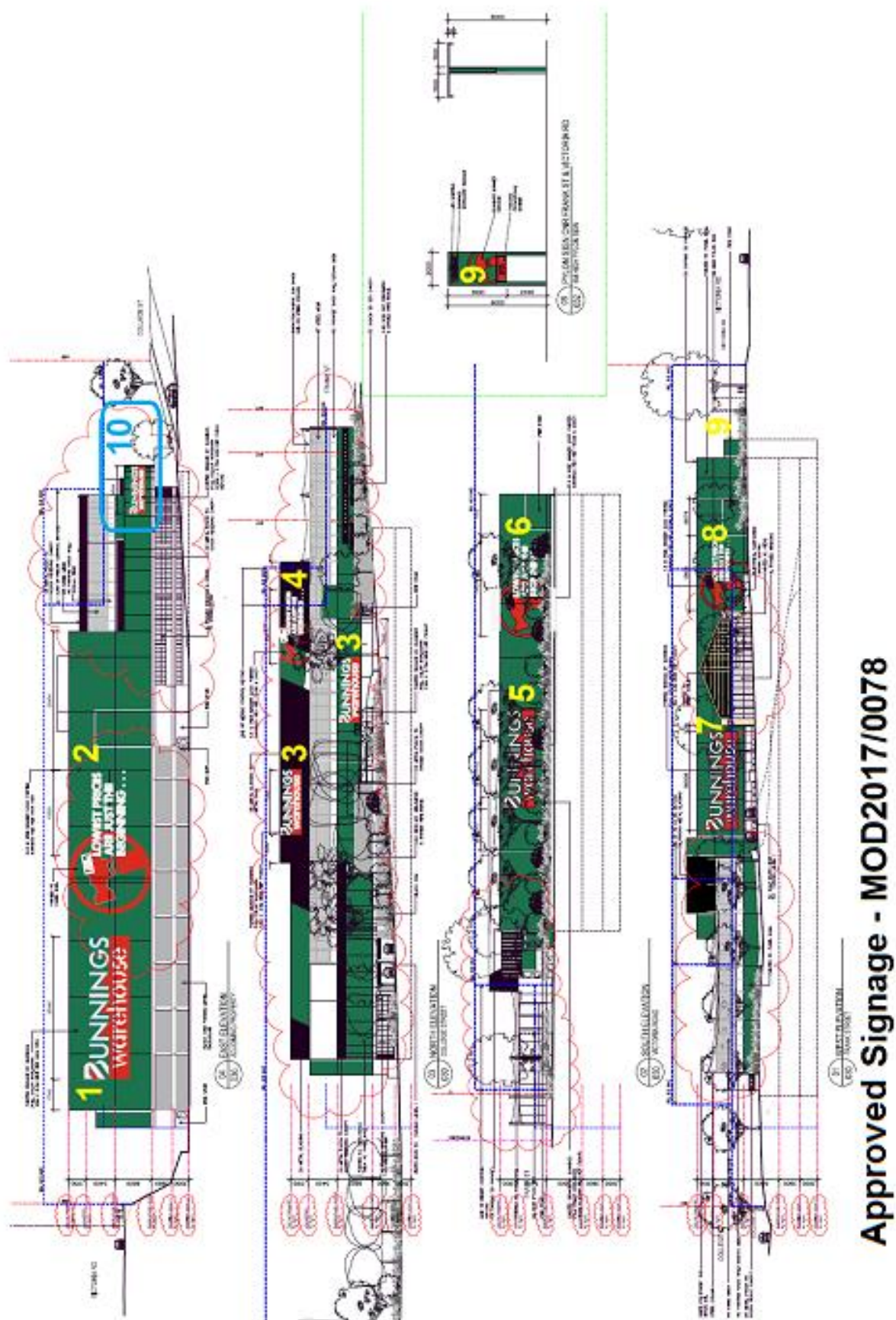


Figure 11. Approved signage on Stage 1 Bunnings Warehouse

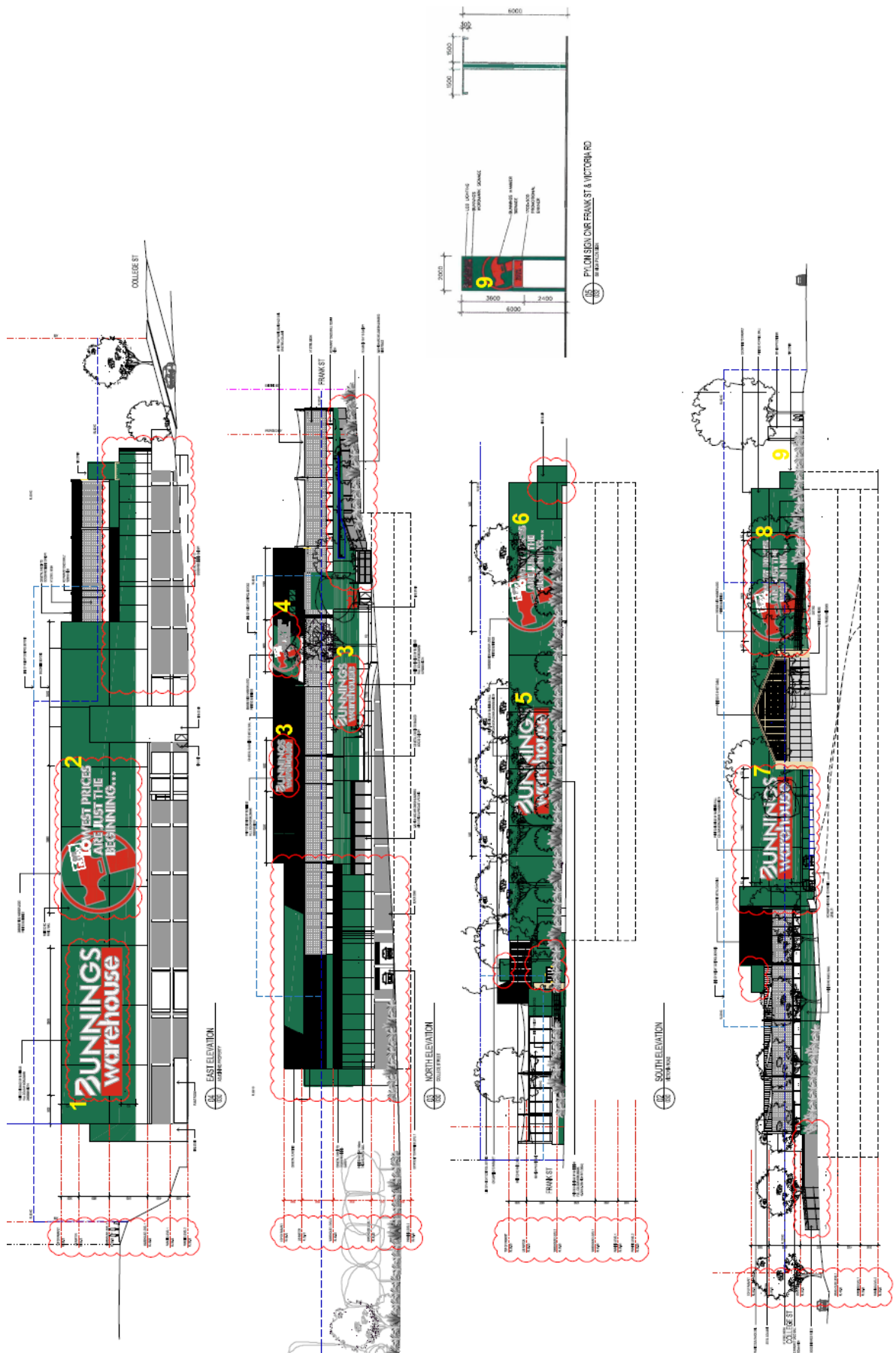


Figure 12. Proposed signage on Stage 1 Bunnings Warehouse

Proposed Signage - MOD2018/0163

5.8 Amendments to landscaping

No significant amendments are proposed to the landscape plan as approved under the 2017 amendment. Minor amendments will result from the modifications to the building setbacks along College Street. No additional trees are to be removed to that already approved for removal.

5.9 Roadworks

The proposal includes the removal of the central median in Frank Street. According to the submitted Statement of Environmental Effects, this has arisen from discussions between the applicant and the RMS.

The amendments update the road design plans for the Frank Street and Victoria Road intersection which accordingly affects the proposed site boundary along Frank Street. The amended design requires less land than the previous 2017 modification, but slightly more than the original approval. RMS and Council's Traffic Engineer has raised no objections to the proposed road works.

6.0 Conditions to be amended

The application modification only proposes to change:

- Condition 1 – relating to the approved plans; and
- Conditions 32, 32A and 32B - relating to Section 7.11 (former Section 94) contributions.

6. **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
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Ryde Local Environmental Plan 2014
- City of Ryde Development Control Plan 2014
- Section 7.11 Development Contributions Plan 2007.

7. **PLANNING ASSESSMENT**

7.1. **Environmental Planning & Assessment Act 1979**

- (a) Matters for consideration pursuant to Section 4.55(2) EP&A Act:

The provisions of Section 4.55(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 4.8) 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 4.55(2)(a)

Under Section 4.55(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 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 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.

The proposed modifications under MOD2018/0163 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 758 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 and
- The development is to be constructed in 3 stages.

The proposed changes to the development, while being based on further refinements to the 2017 modification, will result in a development that has a reduced building footprint and floor area of the proposed Bunnings Warehouse to that of the original development. The minor amendments to the external appearance of the built form are in keeping with the use of the development as a 'Bunnings Warehouse' and have no impacts as a result of the changes.

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 with the exception of the relocation of the child care centre from Stage 1 to Stage 3. It is considered that the modified development is essentially or materially the same as the original 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 as that originally approved (and as previously modified) 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 reduces only marginally and still complies with the 1:1 maximum FSR.*
- *Changes to the building envelope arising during design development represent a reduction in building height and GFA of the Bunnings Warehouse compared to the original development consent and 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 car parking for the proposed development reduces from 900 spaces to 758 spaces but still complies with the car parking rate requirements and still maintains a surplus of car parking.*
- *The location of the car parking areas and vehicular access points remains the same as previously approved in the most recent modification approved on 7 August 2017.*
- *The change to the road design in Frank Street is due to the removal of the median strip and that amendment does not affect the nature of the approved development.*
- *The consequential changes to the landscaping arising out of the amended building design do not 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 4.55(2)(b)

The original application and subsequent 2016 and 2017 modifications were 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 to the original development. RMS raised no objections to the 2016 or the 2017 modifications.

While the subject application does not propose any amendments to Victoria Road (being a classified road), the Section 4.55 was 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 provide "in-principle" approval to the proposed modification to the signalised intersection at Frank Street & Victoria Road in Gladesville subject to **Conditions 68A, 68B and 105A** below:

68A. Frank Street & Victoria Road Intersection – RMS. *The proposed modification of existing right turn lane in Victoria Road at Frank Street intersection shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of*

the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

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

68B Frank Street & Victoria Road Intersection – RMS. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above works under Conditions 68A and 105A and as required by the various public utility authorities and/or their agents.*

105A Frank and Victoria Road Intersection – RMS. *The proposed traffic control light at the intersection of Victoria Road and Frank Street shall be designed to meet Roads and Maritime requirements. The existing Traffic Control Signal (TCS) plans shall be amended to reflect proposed changes by a suitably qualified person and endorsed by a suitably qualified practitioner.*

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of any Occupation Certificate and commencement of road works. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

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

Section 4.55(2)(c) and (d)

The Section 4.55(2) application was advertised and notified in accordance with Ryde DCP 2014 Part 2.1, Notification of Development Applications. The application was advertised on 4 July 2018 in the *Northern District Times*. The application was notified in accordance with Ryde DCP 2014 from 29 June 2018 to 18 July 2018 with 845 letters sent to adjoining and nearby properties. The notification area is the same as the original DA application (LDA 2015/214) and subsequent modifications notification area.

In response two (2) submissions were received, relating to the proposed road works in Frank Street and the potential for College Street to reopen. This is

discussed later in this report in Section 12 under Public Notification and Submissions.

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

This proposal is a Section 4.55(2) of a development consent previously granted by the JRPP, in accordance with Part 4 of the Act (now Section 4.7). Consequently the Sydney North Planning Panel is the consent authority for this application.

7.3.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 is it 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.

The subject modification will not affect the compliance of the proposal for the purpose of SEPP 55, with the original conditions remaining unchanged under this application.

7.4.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 5.7 of this report details the proposed amendments to the existing approved business identification signs.

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, being predominantly the same as that approved under the 2017 modification (see **Table 9** for the proposed changes to the signs).

The signage scheme for the proposed development is largely the same as that approved for the original and previously modified development. The original conditions relating to signage will remain unchanged under this application, accordingly the proposal is considered satisfactory with regard to signage under SEPP 64.

7.5. 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.

7.6. 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.*

Before determining a modification of a consent for development to which this clause applies, the consent authority must:

- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

As the site has an existing electricity substation located along the eastern elevation of the site Ausgrid were notified of the subject application as a neighbour (owning property at 27 Buffalo Road).

A response was received from Ausgrid on 23.8.2018 '*under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007*', advising that '*Previous comment and consent provided by Ausgrid to remain in place. No further comments.*'

Conditions recommended by Ausgrid under the 2017 Modification were included on the consent under the "General Requirements" which remain unchanged under this application.

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.

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 17 August 2018 stating that “*Roads and Maritime has reviewed the submitted information and would provide “in-principle” approval to the proposed modification to the signalised intersection at Frank Street & Victoria Road in Gladesville subject to the following*”, conditions of which have been included on the consent at **Conditions 68A, 68B and 105A.**

7.7.State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The original development application approved a shell for the child care centre, with a condition imposed requiring the submission of a separate development application for the use and fitout.

SEPP (Educational Establishments and Child Care Facilities) 2017 was gazetted on 1 March 2018. Under clause 23, *Centre-based child care—matters for consideration by consent authorities:*

“Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.”

The subject application is a modification of an approved centre-based child care facility ‘shell’, accordingly this clause does not strictly apply as it applies to the “determining of a development application” not a “modification of a consent”. Furthermore, as the existing development was approved prior to the introduction of the SEPP, these matters of consideration were not directly assessed as part of the initial assessment.

With the relocation of the child care centre from Stage 1 to Stage 3 however, these matters are of concern in assessing the placement of the centre within the context of the broader development and neighbourhood. This is particularly relevant as the future development application for the fitout of the child care centre ‘shell’ will be subject to an assessment against these provisions.

The following table provides an assessment against the relevant provisions of the Child Care Planning Guideline as relevant to the proposed ‘shell’ of the centre and its placement within the development and context within the neighbourhood.

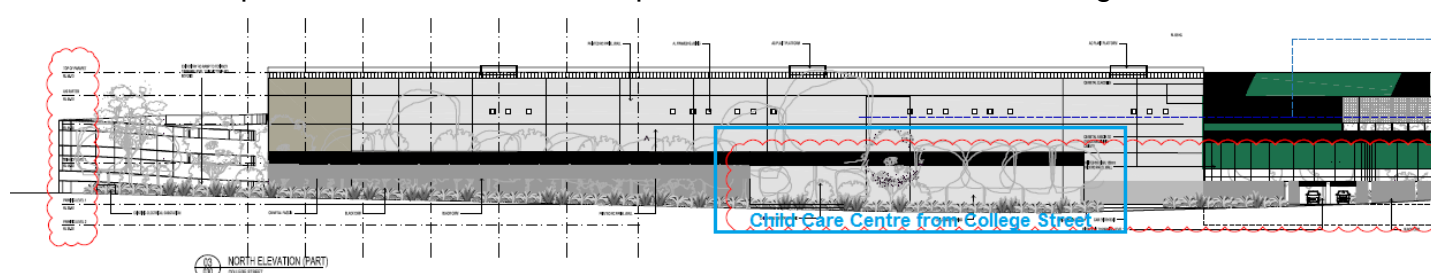


Figure 13. North Elevation of the Stage 3 development from College Street

Table 10. SEPP (Educational Establishments and Child Care Facilities) 2017

Child Care Planning Guideline	
Part 2. Design quality principles	
<i>Principle 1 – Context</i>	<p>Satisfactory - The location of the child care centre is co-located with other supporting employment and residential uses which attract a need for child care.</p> <p>The position of the centre considers the neighbouring Bunnings Warehouse and Homemakers Centre uses being physically separated being on a different level, while integrating within the overall development from a built form perspective.</p>
<i>Principle 2 - Built form</i>	<p>Satisfactory - The proposed child care centre positioning integrates with the Stage 3 development when viewed from College Street, being within the existing approved building envelope. The built form of the development was</p>

	previously assessed under the original application as being suitable for the area and considerate of the context of the neighbourhood. The child care centre will integrate and while currently imperceptible within the broader context of the development is capable of being visible and identifiable within the streetscape through changes to the building façade treatment, signage, landscaping and path details as necessary under a future development application for the fitout and use, as shown at Figure 13 .
<i>Principle 3 - Adaptive learning spaces</i>	Satisfactory - The proposed child care centre shell is flexible enough to allow for the future design to provide adaptive learning spaces.
<i>Principle 4 -Sustainability</i>	Satisfactory - The child care centre shell has a 47m frontage to College Street which is a northerly orientation, with outdoor space positioned such to allow for solar access to the outdoor play areas, ventilation through the building, and natural light for internal areas.
<i>Principle 5 - Landscape</i>	Satisfactory - Landscaping for the external parts of the development are not proposed to change under this proposal which has previously been assessed as providing good amenity and contextual fit with the streetscape and neighbourhood.
<i>Principle 6 - Amenity</i>	Satisfactory - The child care centre shell facilitates the future design of appropriate and efficient indoor and outdoor learning spaces, with northerly aspects allowing for access to sunlight. Positioning of the central courtyard outdoor play areas permits the potential for natural cross ventilation, plus the location facing College Street will provide an outlook and allow for protection of visual and acoustic privacy.
<i>Principle 7 - Safety</i>	Satisfactory - The positioning of the child care centre balances safety and security with access via College Street and the basement carpark creating a welcoming and accessible environment.
Part 3. Matters for consideration	
<i>3.1 Site selection and location</i>	Satisfactory - Site selection in regards to acoustic and privacy impacts were considered under the original application, with these elements similar to the controls contained in Ryde DCP 2014. Impacts of the vehicular access point on nearby residential properties were addressed previously, with the location of vehicular access remaining unchanged from previous modifications. The characteristics of the site are suitable for the scale and type of the child care centre proposed,

	with 1131m ² of internal floor area. The facility is capable of locating internal arrangements of the centre appropriately to minimise impacts at a future DA stage for fitout.
<i>3.2 Local character, streetscape and the public domain interface</i>	Satisfactory - The development integrates with the existing development which was previously assessed as being compatible with the area. Despite this, these controls can be addressed at the DA stage for the child care centre fit out, with the Stage 3 design capable of being further refined to better present the child care centre within the College Street elevation with regard to potential landscaping, signage or façade treatments.
<i>3.3 Building orientation, envelope and design</i>	Satisfactory - The orientation of the child care centre position within the Stage 3 development does not prevent a future DA for the fit out of the child care centre from meeting the controls of this section. The new levels of the Car Park Level 1 and the child care centre enable a pedestrian access to be provided to the centre if required and for a clearly defined and separate entrance from other uses in the building. It is expected details of this would be provided once the entry point and access of the child care centre is designed.
<i>3.4 Landscaping</i>	Satisfactory - The existing approval includes landscaping along the College Street boundary. Landscaping to complement the future design and fitout of the child care centre can be further refined at the DA stage for fitout.
<i>3.5 Visual and acoustic privacy</i>	Satisfactory - Public areas will be unable to have a direct view into the child care centre with level differences between the Stage 1 and 3 developments preventing direct views into the centre from the street or car park areas. There is sufficient separation between the adjacent residential uses and the child care centre to prevent any reciprocal acoustic impacts.
<i>3.6 Noise and air pollution</i>	Satisfactory - The position of the child care centre adjacent to Victoria Road with regard to air and noise pollution was considered under the original DA. The centre faces College Street, being the furthest distance from the classified road, and also provide a physical barrier to any potential noise or air impact.
<i>3.8 Traffic, parking and pedestrian circulation</i>	Satisfactory - The proposed parking and traffic impacts have been assessed under previous modifications and the original DA. The child care centre includes 19 dedicated spaces which complies with Council's DCP parking controls, and

	<p>is considered satisfactory.</p> <p>The access arrangements for the car parking area for the child care centre has been reviewed by Council's Traffic Section and Council's Senior Coordinator Development Engineering Services who have not raised any concern regarding adequate separation for pedestrian safety and vehicle manoeuvring.</p>
Part 4. Applying the National Regulations to development proposals	
4.1 Indoor space requirements	<p>Satisfactory - Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>The centre has a limit of 90 children, which technically requires 292.5m² of indoor play area. The centre provides a GFA of 1,131m² which is considered more than adequate to provide the required play spaces under the Regulation when office, administration, staff and other facilities are also considered.</p>
4.9 Outdoor space requirements	<p>Able to comply - An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>With 90 children, this requires 630m² of outdoor space. The provided outdoor space as noted on the plans totals approximately 290m².</p> <p>While this does not strictly comply, it is important to point out that the consent approves "up to" 90 children, and the operational and fitout details will be provided at a future stage, with any fitout strictly required to comply with this provision.</p> <p>Should additional outdoor play space be required, it is considered there is sufficient flexibility in the child care centre gross floor area to facilitate a reconfiguration to meet this requirement.</p> <p>Accordingly, while at this stage the proposal is supported based on a maximum number of children at 90 the final amount would be subject to strict requirements by Council and the Department of Education at future development approval and licencing hold points.</p>
4.10 Natural environment	<p>Satisfactory - The proposal provides outdoor space to meet this requirement.</p>

The provisions of the SEPP and the Child Care Planning Guideline would be a matter for consideration under any future DA for the use and fit out of the Child Care Centre and Table 10 above demonstrates that the position and context considerations of the proposal comply with SEPP. Nothing in this modification affects the ability of the child care centre to comply with the relevant built form and fit out provisions under a future application. Accordingly the proposal is considered satisfactory in accordance with this SEPP.

7.8. 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

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 14** below.

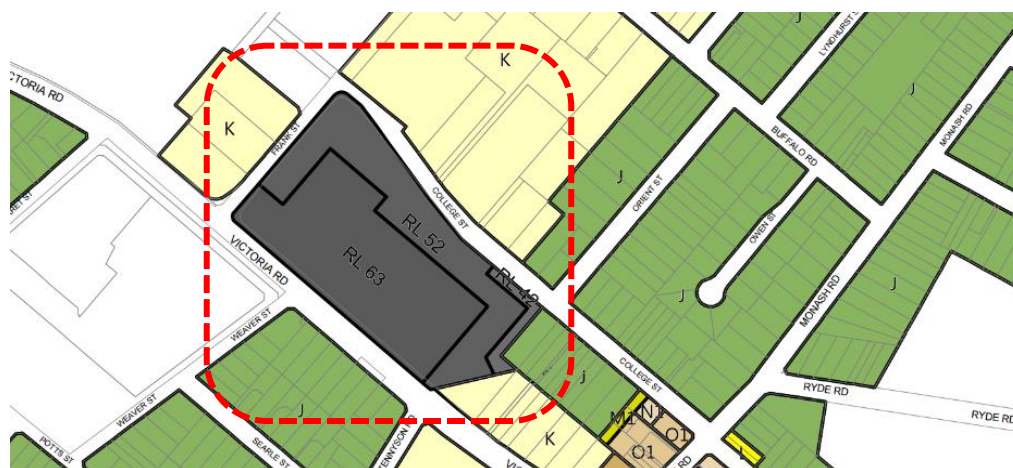


Figure 14. LEP Height of Buildings Map

Approved Height

The approved development (LDA 2015/0214) approved a Clause 4.6 variation to Ryde LEP 2014 with regard to the building non-compliances in five locations as shown at **Figure 15**.

The 2016 Modification, which represented a modification of the original footprint and envelope, exceeded the height control in an additional two locations and a variation to one location (Location 3) by 6.25m.

The approval under the 2017 Modification resulted 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 16**.

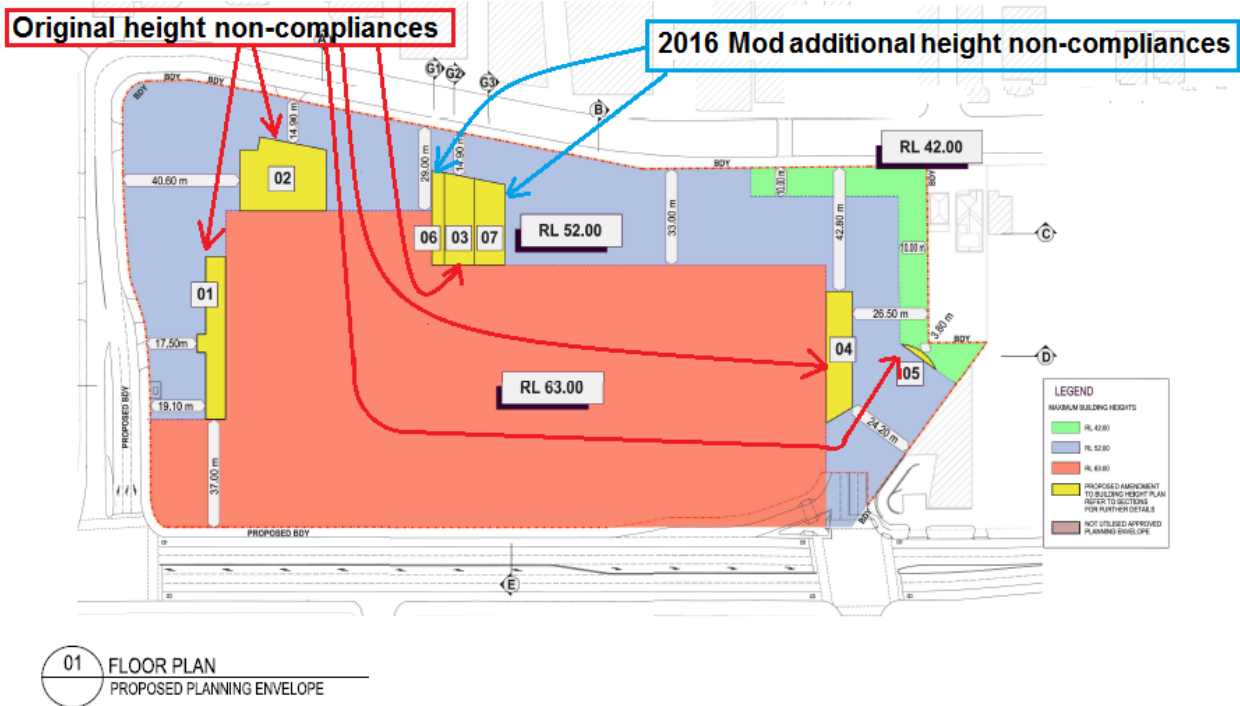


Figure 15. LEP height exceedances as approved under LDA2015/0214 and MOD2016/0056

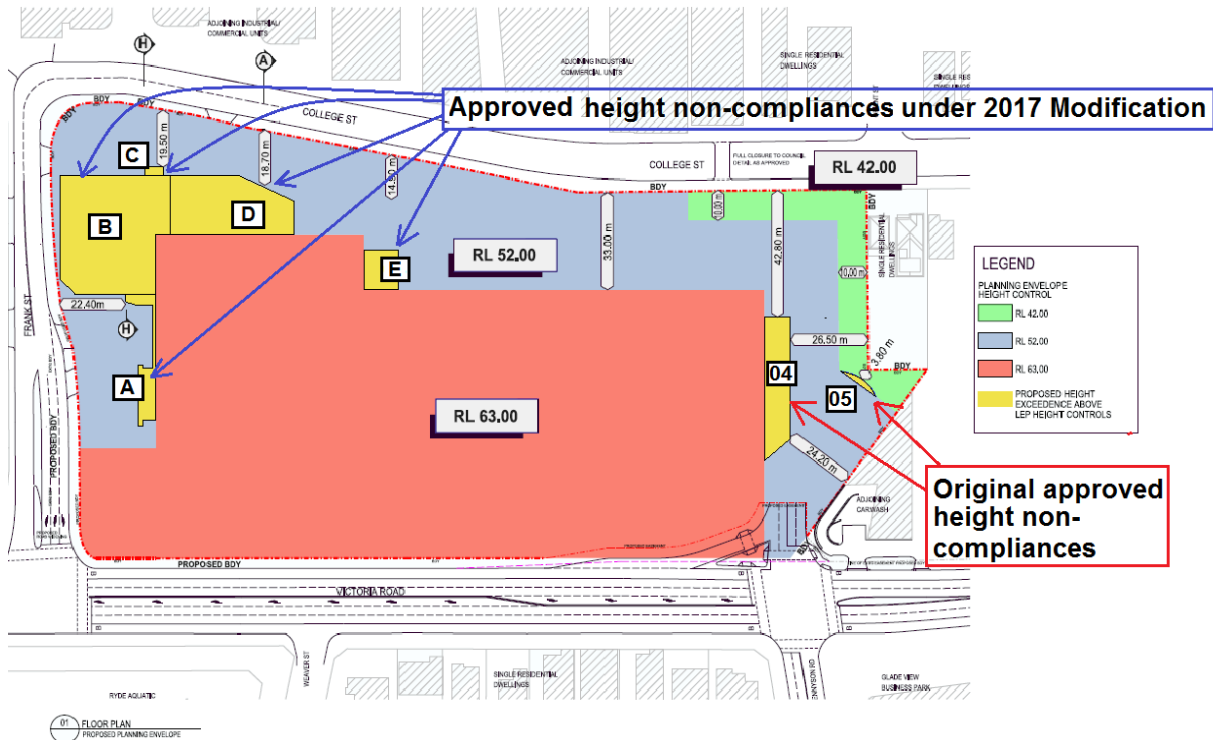


Figure 16. LEP height exceedances as approved under 2017 Modification (MOD2017/0078)

Proposed Height

Figure 17 shows the areas of the building which exceeds the height controls as proposed in the current S4.55 application.

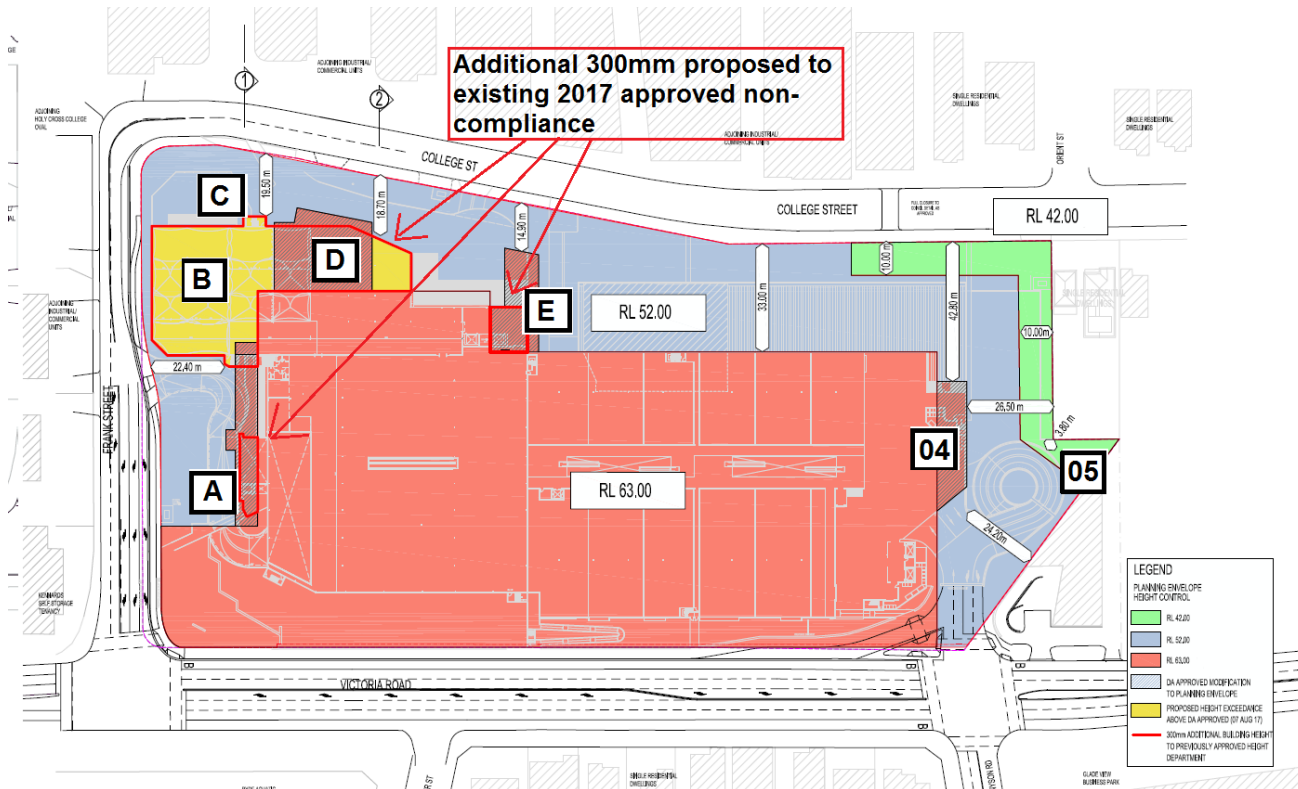


Figure 17. Additional LEP height exceedances as proposed

The areas indicated in red show that the height of the building in these areas will be increased by 300mm. The increase in height occurs for:

- The provision of shade sails over the outdoor nursery (Location B). The previous height in this area was RL 56.4, a breach of 4.4m. The sail height has been increased by 300mm resulting in a maximum breach of 4.7m, but the sails will be constructed of a lighter weight material which will minimise the visual massing and visual impact.
- The provision of a set of fire stairs (Location C). The fire stairs were previously in this location at RL 52.7. As a result of the amendments the fire stairs have a height of RL 53.
- The provision of a lift shaft and roof in Location E. The approved lift in this location was RL 58.4 and the amendments will result in the lift shaft having a height of RL 58.7. This part of the building immediately adjoins that part of the building with a maximum height of RL 63.
- The canopy over the bagged goods area was approved at RL 56.2 (Location D). This canopy height will be increased to RL 56.5. This canopy is at a lower RL than the previously approved nursery sail that occupied the area in the originally approved development.

- The main entrance gabled roof form on Frank Street has been increased by 300mm (Location A).

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 4.55(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 a consent authority can approve a Section 4.55 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 4.55 application.

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 4.55(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 concluded 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 additional 300mm of height proposed in a number of locations of the development 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 will retain the increased setbacks approved under the 2017 modification.

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 RLEP 2014 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 maximum FSR of 1:1. The original approved development had a maximum GFA of 37,088m² which resulted in an FSR of 0.98:1.

The proposed building design under the subject modification will result in a change in GFA from the original approval of:

- The Bunnings Warehouse from 18,100m² to 16,328m²;
- Overall Stage 1 development (including Bunnings and the existing buildings) from 26,542m² to 25,423m²;
- Bulky goods in Stage 2 to remain as per the 2017 modification;
- Overall stage 2 development (including Bunnings, bulky goods and the existing buildings from 31,287m² to 30,168m²;
- Bulky goods in Stage 3 to remain as per the 2017 modification;
- Overall Stage 3 development (including Bunnings, bulky goods and childcare centre) from 36,530m² to 36,542m².

As a result the total development will have a total GFA of 36,542m², equating to an FSR of 0.985:1, in compliance with the FSR provision applying to the site.

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.

7.9. Ryde Development Control Plan 2014

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

- Part 3.2 - Child Care Centres
- 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 3.2 – Child Care Centres
- 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 9.2 - Access for People with Disabilities

Part 9.1 Signage

The proposal includes 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 amended signage under this application is largely the same as that approved under the 2017 modification and remains acceptable when assessed against the relevant provisions of Ryde DCP 2014 Part 9.1, particularly with regard to the extent of signage permitted, number of signs, and size of the signs.

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 758 parking spaces with 462 spaces allocated to Bunnings and 277 spaces to service the bulky goods retail space and 19 to the child care centre.

The original application LDA 2015/214 approved a total of 900 parking spaces.

The 2017 modification reduces the car parking to 795 parking spaces with 430 spaces allocated to Bunnings, 346 spaces for the homemaker centre and 19 spaces for the child care centre. This reduction was considered acceptable by Council as it reduced oversupply of car parking on the site.

This modification will change the car parking numbers for Bunnings from 430 to 462 spaces and the homemaker centre being reduced from 346 spaces to 277 spaces. The car parking for the child care centre will remain unaltered.

Previous car parking reports for this development identified a demand of 359 parking spaces for the Bunnings component. The 2017 modification permitted 430 parking spaces to be allocated for Bunnings as this surplus parking would facilitate vehicle manoeuvring through the centre and minimise traffic congestion at the vehicle access points. This current application will increase the car parking to 462 spaces. This is still significantly less than the approved development which allocated 540 car parking spaces. The increase to 462 spaces will still allow for vehicular circulation within the car park.

Based on the RMS rate for Homemakers centres of 1 space per 61m², this aspect of the development should provide parking for 288 car parking spaces. The current modification proposes to allocate 277 spaces. As stated above, this reduction is due to the child care centre being relocated to Parking Level 1 of the Homemaker centre. The peak parking demand for a homemaker centre is Thursday evening and weekends. During these times the child care centre would not be operating so the 19 car parking spaces allocated for the child care would be used for the homemaker centre. Also, when the development is completed it will also be possible to access the car parking associated with the Bunning development. For these reasons, no objection is raised to the allocation of 277 car parking spaces for the Homemaker Centre.

The car parking numbers have been considered by the Senior Coordinator Development Engineering Services and are considered to be acceptable.

Section 7.11 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 7.11 Contributions were required to be paid under Condition 32 of the approved development consent at Stage 1 of the development. The 2016 modification amended Condition 32 to allow the payment of Section 7.11 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.

8. LIKELY IMPACTS OF THE DEVELOPMENT

8.1. 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 present refinements of the approved development under the 2017 modification which reduced the footprint of the development, increased setbacks and reduced parking provision. This modification further reduces parking, while remaining within the range required under the relevant parking controls.

While the height of the Stage 1 development will increase by 300mm to that approved under the 2017 modification, it remains under the maximum height approved under the original approval and will not cause any perceptible impacts to that approved under the original consent. Accordingly it is not considered that the proposal will give rise to any additional impacts which were previously considered acceptable under the original consent.

The assessment of the College Street Road Closure will be the subject of a future potential application to change the arrangements, at which time an assessment of potential right hand turns from the Bunnings Development at Frank Street would be addressed. At this point of the assessment, the trial full road closure is still under a 'trial', which is being reviewed by Council and the RMS. The proposed mitigation measures, as recommended by Council's Senior Coordinator Development Engineering Services have been imposed as **Condition 51(j)**.

8.2. Natural Environment

The proposed modification does not result in any impacts to the natural environment to that already approved under the original consent or other previous modifications. The development is therefore considered satisfactory in this regard.

9. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposed modifications are refinements to the 2017 modification built form envelope. This design reduced the overall scale of the development to what was originally approved. The development will continue to allow for suitable traffic management and mitigation of traffic impacts on surrounding properties. The relocation of the child care centre to Stage 3 is inconsequential to the site suitability of the development overall. As such, the site is considered to be suitable for the warehouse, bulky goods retail and child care centre use as proposed.

10. THE PUBLIC INTEREST

The proposed amendments aim to improve the functionality and operations of the Bunnings Warehouse, while delaying the child care centre to Stage 3. This is not considered to have any adverse social impacts as the existing child care centre can remain operational until the buildings in Stage 3 are demolished. The modified development will not result in any significant environmental impacts and having

regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

The key area of concern raised in the objections, being the potential impacts on traffic from the future potential reopening of College Street, is not considered to be of relevance under this proposal. The road closure arrangements will remain in accordance with the previous development approvals for the site for the time being. In light of the above, the proposal is considered to be in the public interest.

11. REFERRALS

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

- Development Engineer: No objections raised provided the existing conditions remain as previously approved regarding traffic and parking, and the including of **Condition 51(j)** regarding signage for left hand turn from Frank Street.
- City Works & Infrastructure:
 - Traffic: Council's Traffic Engineer made the following comments in relation to the proposed modification:

Relocation of Child Care Centre: The child care centre and associated car parking is proposed to be moved from Stage 1 to Stage 3. The original location of child care centre and associated parking (19 spaces) is proposed to be replaced with 32 car parking spaces for Stage 1. The net increase in parking spaces, in terms of traffic generation, is expected to have minor increase of impact to surrounding road network after occupancy of Stage 1. Furthermore, overall parking (Stage 1 to Stage 3) is proposed to be reduced from 795 to 758 spaces. In this regard, traffic department has no objection to this proposed modification.

Adjustment of site boundary along Frank Street: The proposed site boundary along Frank Street is proposed to be adjusted in favour of the applicant for the reason that less land is required to accommodate the proposed road works in Frank Street, following RMS' approval to the removal of the central median in Frank Street from the original approved plans. However, no formal approval from RMS has been submitted. For the reason that the central island is located in approach to a signalised intersection which is under RMS' jurisdiction, Traffic department has no objection to this proposed modification provided that formal approval from RMS is obtained.

RMS comments received and no objections subject to conditions. See **Conditions 68A and 68B and 105A**.

- Public Domain, Waste and Drainage sections: No objections raised, with no amendments proposed to the approval as previously modified.

- NSW Roads and Maritime Service: Referral received and included conditions to be included on the consent in response to the amended plans and the changes to the signalised intersection of Frank Street and Victoria Road (**Conditions 68A and 68B and 105A**).
- Ausgrid: Ausgrid have provided a response under Clause 45(2) of SEPP (Infrastructure) 2007 and advised that no changes are proposed to the conditions previously included on the consent under the 2017 Modification.

12. PUBLIC NOTIFICATION AND SUBMISSIONS

The Section 4.55(2) application was advertised on 4 July 2018 in the *Northern District Times* and notified to neighbours in accordance with Ryde DCP 2014 from 29 June 2018 to 18 July 2018.

Council received two (2) submissions. Both submissions raise concerns relating to the removal of the median strip from Frank Street, as shown in **Figure 17** below.

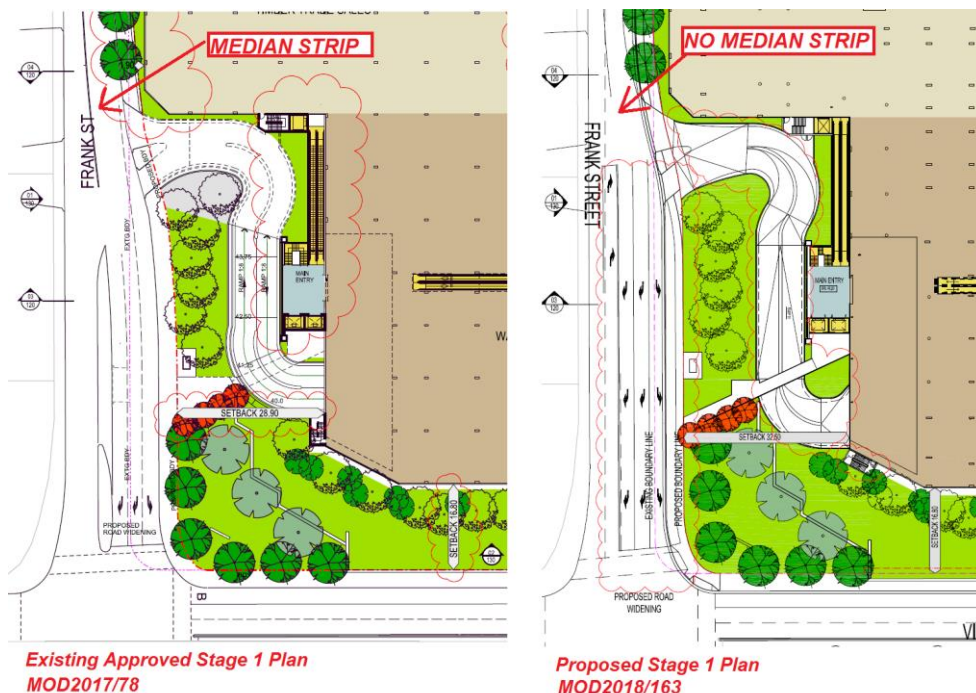


Figure 17. Removal of median strip on Frank Street

The proposed modification includes amendments to the road works proposed in Frank Street including the removal of a median strip which would serve as a physical barrier to prevent vehicles exiting the Bunnings Warehouse from turning right.

Concerns relate to the potential future changes to the road closure in College Street, to allow for one-way traffic for vehicles to travel in an eastern direction. The unforeseen potential of this is that the removal of this median will allow for vehicles to turn right out of Bunnings, and avoid using the Victoria Road/Frank Street traffic light intersection. Concerns relate to traffic and amenity impacts on the neighbourhood.

With regard to the College Street Road Closure, the temporary road closure of College Street is a condition of consent approved by the then JRPP on 28 October 2015 under 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.

Conditions of approval as amended by Council under MOD2016/0054 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 that review is to be submitted to and approved by Council and the RMS for the implementation of the preferred treatment of College Street.

From June to July 2018 Council undertook public consultation regarding the trial road closure of College Street, as a separate matter to the approved conditions of the consent. The purpose of the review was to respond to the RMS requirement of the road closure that, after 12 months of the operation of the trial closure of College Street a review be undertaken and report back to RMS and Council to recommend a permanent solution.

Whatever the outcome of this review, the applicant would then be required to submit a further Section 4.55 application to amend the conditions relating to the road closure. This would be a technical issue to make sure the approval is consistent with the position of Council and the RMS.

The submissions raise concerns that should the median on Frank Street be removed at this stage while College Street is fully-closed there will be no discernible impact. However, should it be reopened under a future application, the removal of the median at this point could potentially cause impacts to the residential neighbourhood along College Street and Orient Street.

The submissions were forwarded to Council's Senior Coordinator Development Engineering Services who advised **Condition 51** (Vehicle Access & Parking) be amended to include the following requirement pertaining to the Frank Street driveway access:

(j) A "No Right Turn" sign must be installed in the median island in centre of the vehicle access ramp to Frank Street, facing the exiting lane of traffic. This is to ensure vehicles emerging from this access turn left into Frank Street at all time.

This proposal deals with the application as it currently stands, with College Street currently with a temporary full closure subject to existing conditions. At this point of the project, to require further street works to pre-empt the reopening of College Street, which will be subject to a future Section 4.55 application or review as per the existing conditions of consent, is considered unnecessary and improperly assumes the outcome of a future application without an appropriate assessment.

The requirement for a sign to be erected **Condition 51 (j)** is considered to adequately address the concerns raised in the submissions at this stage. Should

the result of the College Street review or a future 4.55 application seek to partially or fully open College Street, an assessment regarding exiting traffic from Bunnings would be undertaken and appropriate mitigation measures provided at that stage.

It is also noted that the development as currently proposed does not prevent future changes to the Bunnings development or Frank Street if it is warranted.

13. CONCLUSION

This report considers a Section 4.55(2) application under the EP&A Act to modify the approved development at 459, 461-495 Victoria Road, Gladesville.

The original approval under LDA2015/0214 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 refinements of the changes that were undertaken in the 2017 modification, including changes to the staging of the child care centre from Stage 1 to 3 and minor changes in height and internal layouts.

The proposal will reduce the number of parking spaces on the site from the originally approved 900 to 758 (being 462 spaces for Bunning, 277 spaces for the Homemaker Centre and 19 spaces for the Child Care Centre), with the parking provision still able to meet the peak demand needs of the development. The proposal does not change previously approved access arrangements to the site, nor will it affect the closure of College Street, which is in accordance with a DCP requirement that stems from a Council resolution.

Whilst the development exceeds the RLEP 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 the development.

The application has demonstrated that the development is consistent with the relevant provisions of Ryde DCP 2014.

The proposed modification of the approved development will not give rise to significant or unreasonable additional impacts on the amenity of the neighboring residential properties, with any concerns raised in the submissions addressed via a condition of consent, see **Condition 51(j)**.

It is recommended that the Section 4.55(2) application be approved subject to conditions.

Reasons for approval

- The scale and character of the modified development is consistent with that approved under the original proposal.
- The areas of height noncompliance are considered to be minor, well founded and it does not have any additional environmental impacts.
- The submission raised issues in respect to potential traffic and neighbourhood amenity. This relates to potential future traffic changes, which have been addressed via conditions of consent under this application.
- The relocation of the child care centre from Stage 1 to Stage 3 will have no consequential impacts.

14. RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Sydney North Planning Panel grant consent to the Section 4.55 application No. MOD2018/0163 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 and Ausgrid are advised of the decision.

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