

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-120
DA Number	DA2020/0717
LGA	Northern Beaches Council
Proposed Development	Demolition works, construction of a 5 level commercial and warehouse building for use as a hardware and building supplies and garden centre, subdivision (road widening), car parking and signage
Street Address	Lot 1, DP 1209581, No. 357-373 Warringah Road, Frenchs Forest
Applicant/Owner	The Trust Company (Australia) Limited (Owner) Bunnings Group Ltd (Applicant)
Date of DA lodgement	29 June 2020
Number of Submissions	One (1)
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The proposal has a Capital Investment Value (CIV) of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> Warringah Local Environmental Plan 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Attachment 1: Architectural Plans Attachment 2: Pre-Lodgement Meeting Notes Attachment 3: Draft conditions of consent
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> Traffic impact from proposed access onto Allambie Road Façade presentation to Allambie Road
Report prepared by	Renee Ezzy – Principal Planner
Report date	16 December 2020

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Not Applicable

Special Infrastructure Contributions

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

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not Applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The proposal involves demolition works and construction of a Bunnings Warehouse development containing five (5) levels, including hardware and building supplies, warehouse and garden centre, car parking and signage and a boundary adjustment to facilitate road widening for a slip lane from Allambie Road into the site.

The subject site is currently occupied by two (2) buildings, comprising a two (2) storey office building on the northern side of the site and a brick warehouse to the south which is currently occupied by Australia Post. The subject site is 21, 750m² in area and is currently zoned B7 Business Park under the provision of WLEP 2011. The proposal is permissible with consent.

The proposal has a CIV of more than \$30 million, therefore, the proposal is classed as Regionally Significant Development pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 and the Sydney North Planning Panel is the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act, 1979.

The proposal is also 'Integrated Development' pursuant to Section 4.46 of the Environmental Planning & Assessment Act, 1979. In this regard, approval is required under Section 138 of the Roads Act 1993 from Transport for NSW.

The applicant has not established that safe access can be created directly from Allambie Road, hence Transport for NSW (TfNSW) and Council's Traffic section do not support the proposal involving such an access.

The subject site does not contain heritage items, however the existing building is recognised as a 20th Century Building of Significance by the NSW Chapter of the Australian Institute of Architects.

The DA was publicly exhibited in accordance with the Northern Beaches Community Participation Plan and one (1) submission was received, which raised concerns with competition and impact on smaller hardware stores in the LGA. This particular issue does not warrant the refusal of the application.

The assessment concludes that the impacts of the development are generally satisfactory and remaining planning and other issues can be conditioned and appropriately managed and mitigated, with the exception of the vehicular access issue raised by TfNSW.

Consequently, as no concurrence has been provided by TfNSW and Council's Traffic section also raise fundamental concerns in relation to this issue, the application cannot be approved and accordingly is recommended for refusal.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks consent for demolition of the existing structures, earthworks and tree removal, construction of a new five (5) level Bunnings Warehouse (hardware and building supplies warehouse with a garden centre), including outdoor nursery, timber trade area, car parking and signage, and a boundary adjustment to provide for road widening to construct a new slip lane from Allambie Road.

Specifically, the proposal involves the following:

- Demolition works.
- Earthworks and vegetation removal.
 - 0.2174 ha of native vegetation in the northern portion of the site that conforms to the listing of Duffys Forest Ecological Community in the Sydney Basin Bioregion (Duffys Forest). The proposal retains and preserves the Duffy Forest Ecological Community at the northern part of the site, however, requires the removal of 79 other trees on the site, of which 29 are either dead or exempt non

- Construction of a five level hardware and building supplies centre (Bunnings Warehouse) above a basement level, encompassing the following:
 - Basement parking level for 224 cars.
 - Ground level at-grade and undercroft parking for 82 cars; building materials and landscape
 - yard, timber trade sales, and loading dock; and main entrance feature with travellators and lifts to upper levels.
 - Mezzanine parking level for 91 cars.
 - First floor main warehouse.
 - Second floor main warehouse with café, playground and amenities; bagged goods canopy;
 - Outdoor nursery; and mezzanine for staff amenities.
- Business identification signage.
- Roadworks including:
 - Boundary adjustment to provide for road widening to achieve a slip lane from Allambie Road. A combined ingress/egress driveway centrally along the Allambie Road frontage providing access to the at-grade parking at the front of the warehouse, the building materials and landscape yard and timber trade sales, as well as the undercroft car park and other parking levels;
 - A combined ingress/egress driveway centrally along the Rodborough Road frontage which will also provide access to the undercroft car park and other parking levels;
 - Further to the east, the proposal expands the existing driveway to provide ingress and egress for delivery trucks which circulate along the eastern side of the warehouse to the loading dock and turning area.
- Proposed hours of operation are 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.

The details of the proposal is summarised in the following table:

Elements	Proposed Development
Site Area	21,750m ²
Building Type	Warehouse, commercial offices and café
Gross Floor Area (retail)	19,624m ²
Site Coverage	39.17%
Landscaped area	34% (7414m ²)
Building Height	Up to a maximum of 23.3m
Number of Storeys	Five (5)
Car Parking	397 car spaces
Tree Removal	79 trees to be removed
Signage	<p>North elevation 'Bunning Warehouse' signs 6.8m x 21.6m (146.9m²) 'Hammer' logo 11.7m x 16.1m (188.4 m²)</p> <p>West elevation (Allambie Road) 'Bunnings Warehouse' sign 5.5m x 17.5m (96.3 m²) 'Bunnings Warehouse' sign 5.0m x 15.8m (79m²) 'Hammer' logo 11.9m x 14.4m (171.4m²)</p> <p>South elevation (Rodborough Road) 'Bunnings Warehouse' sign 8m x 25.2m (201.6 m²) 'Hammer' logo 11.9m x 14.4m (171.4 m²)</p> <p>East elevation (truck access driveway) 'Bunnings Warehouse' sign 8m x 25.2m (201.6 m²) 'Hammer' logo 11.9m x 14.4m (171.4 m²)</p>

Figure 1 and Figure 2 below is provided to assist in the identification of the proposed building footprint within the site and the appearance of the building, as viewed from the intersection of Rodborough Road and Allambie Road.

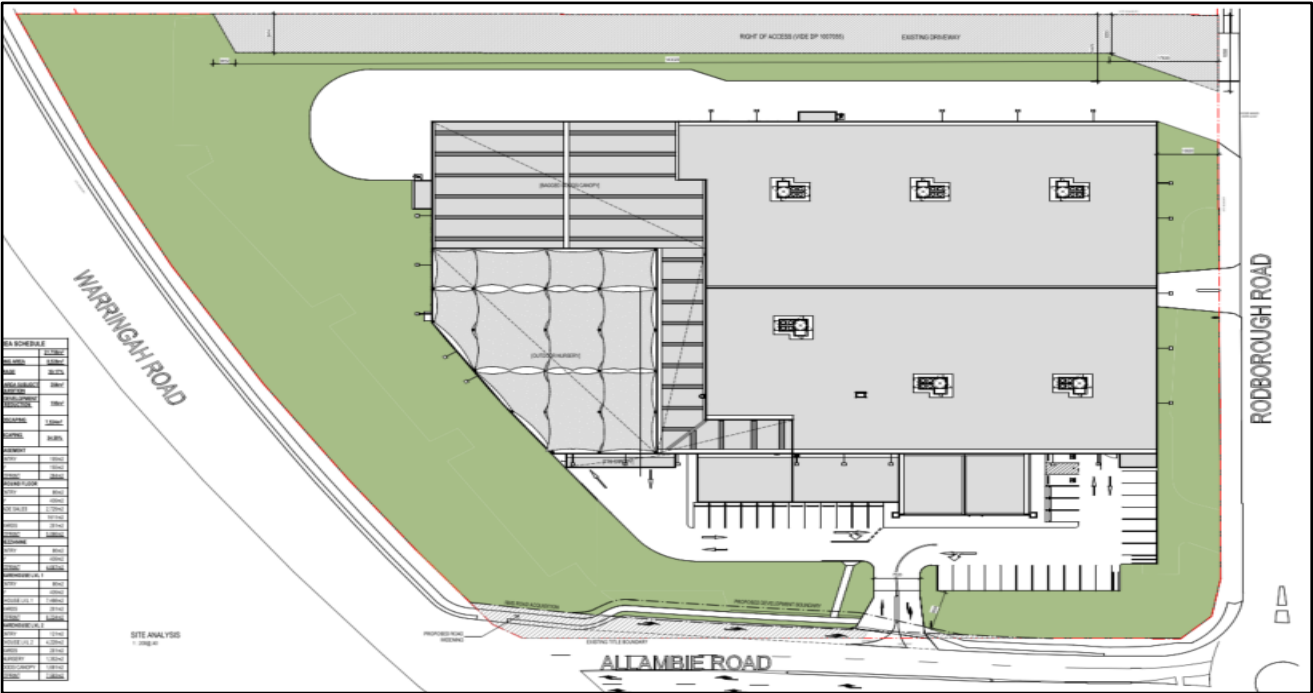


Figure 1 – Site Plan (Source: Michael Carr Architect, 2020)



Figure 2 – Photomontage of the proposed development as viewed from the intersection of Allambie Road and Rodborough Road (Source: Michael Carr Architect, 2020)



Figure 3 – Photomontage of the proposed development as viewed from the intersection of Warringah Road and Allambie Road (Source: Michael Carr Architect, 2020)

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SITE DESCRIPTION

The subject site is located at the south-eastern intersection of Warringah Road, Allambie Road and Rodborough Road, Frenchs Forest and is known as 357-373 Warringah Road, Frenchs Forest.

To the east of the site, there are other business park developments within Rodborough Road. Immediately adjoining the site to the east is No. 8 Rodborough Road, which presents a five (5) storey office building to the Warringah Road frontage and a concrete warehouse to the Rodborough Road entrance.

To the south is a large Ausgrid substation at the intersection of Rodborough Road and Allambie Road, to the east is a smaller stand alone Ausgrid substation on a triangular parcel of land, and diagonally opposite to the south-west is No. 1-3 Rodborough Road which contains factory units with mezzanine offices.

To the north of the site on the opposite side of Warringah Road is a KFC restaurant and another business park to the north-west containing various sized warehouse and office buildings.

Adjoining the site to the east is No. 8 Rodborough Road which is an office/warehouse building.



Figure 4 – Adjoining property to the east, No. 8 Rodborough Road, Frenchs Forest

Opposite the site to the west is another electricity substation which occupies the island of land separating Rodborough Road and Warringah Road.



Figure 5 – The electricity substation to the west.



Figure 6: Aerial Photo of Subject Site (SEA)

The site is zoned B7 Business Park, pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011) and currently contains two (2) buildings. On the southern side of the site fronting Rodborough and Allambie Roads is a large brick warehouse with a footprint of approximately 5860m² which is occupied as an Australia Post sorting facility. To the north of this building addressing Warringah Road is a smaller two storey office building with a footprint measuring approximately 2450m² which is occupied by Infomedia.

Vehicular access to the site is currently available off Allambie Road, generally to the south of the intersection with Warringah Road for the northern building and via a dual driveway access off Rodborough Road for the Australia Post (southern) building.

SITE HISTORY

A pre-lodgement meeting was held with the applicant on 24 October 2019 to discuss a proposal for redevelopment of the site for the purposes of a Bunnings Warehouse development.

A copy of the notes are attached to this report (refer to Attachment 2).

The notes identified Council's concerns with any access arrangements utilising Allambie Road due to its proximity to the intersection with Warringah Road in particular the inclusion of a slip lane and the safety implications for both pedestrians and vehicles. In addition, concerns relating to the adequacy of the existing roundabout serving the intersection of Rodborough Road and Allambie

Road was identified in terms of serviceability for large trucks turning at the roundabout in order to access the site.

Previous Approvals

The most recent relevant approvals include:

- **Development Application No.DA1998/0458** for demolition of existing warehouse and construction of a new warehouse was approved by Council on 7 April 1999.
- **Development Application No.DA2001/1875** for construction of a five (5) storey private hospital with 122 parking spaces was approved by Council on 2 July 2002.
- **Development Application No.DA2011/0405** for alterations and additions to the Australia Post Delivery Centre was approved on 6 May 2011.
- **Development Application No.DA2012/1294** for alterations to the front entry of the building and replacement of a pylon sign at the front of the site was approved under delegation on 17 December 2012.
- **Development Application No.DA2013/0419** for construction of new parcel lockers at the south-western corner of the site was approved by Council on 26 June 2013.

HISTORY OF THE SUBJECT APPLICATION

The current application was lodged with Council on 29 June 2020. During the assessment of the application, a number of referral bodies raised concerns with the proposal, including TfNSW and Council's Traffic and stormwater sections. In response, the applicant submitted additional information on number of occasions in an attempt to address the concerns raised.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal has been reviewed by Council's Environmental Health Officer – Contaminated Lands and no concerns have been raised.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 provide that Council may request additional information and consider the number of days taken in this assessment of the development application. Additional information was submitted during the assessment of the application.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report. In summary, it is found that the development will not have any negative or detrimental impacts on the natural environment.</p> <p>Concerns have been identified in relation to the impact of the proposed slip lane and vehicular access on the site south bound traffic on Allambie Road from the intersection of Warringah Road. The inclusion of this access is not supported by TfNSW and Council's Traffic Engineering section. This issue forms a reason for refusal.</p> <p>(ii) Social Impact The proposed development will have beneficial social impacts on the greater Northern Beaches community by providing upgraded industrial/warehouse uses. It is not anticipated that the development will have any adverse social impacts.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> <p>While the economic impact of the development on smaller local business was raised in the public submissions received, the proposed development is not considered to adversely impact the broader economic position of business in the locality.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The suitability of the site in terms of likely impacts on the environment and amenity has been discussed in detail in the various section of this report. In summary, the site is suitable for the proposed development, with the exception of the proposed slip lane.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	<p>The public interest has been considered as part of the assessment. Overall, the public interest is best served by the consistent application of the applicable planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed.</p> <p>The proposal has been assessed against the provisions of the relevant planning controls and is deemed to be acceptable in terms of its impact on the site, and the adjoining industrial and residential areas, subject to suitable conditions to manage the construction and ongoing operations of the centre.</p> <p>On this basis, the proposal is considered to be in the public interest.</p>

NOTIFICATION & SUBMISSIONS RECEIVED

The DA was publicly exhibited from 1 July to 24 July 2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Northern Beaches Community Participation Plan (CPP).

Council received one (1) submission, which raised concerns in relation to the following:

- **Loss and destruction of business**

Concern has been raised that the proposed development will have a detrimental impact on the other smaller local hardware businesses.

Comment

The business that relates to this submission is located within the Dee Why Town Centre approximately 4.3km from the subject site. This issue does not warrant the refusal of the application.

REFERRALS

Internal Referral Body	Comments
Environmental Health – Acid Sulfate Soils	<p>Supported</p> <p>The demolition/construction works will not expose acid sulfate soils.</p>
Environmental Health – Food Premises	<p>Supported – subject to conditions</p> <p>The includes a café, which is subject to State and Federal legislation / guidelines including the <i>Food Act 2003</i>, <i>Building Code of Australia</i>, relevant ‘Australian Standards’ and <i>Food Safety Standards</i> requirements. As there are no food safety related impacts on external receivers, environmental health recommend approval with conditions only on design, construction and fit-out to <i>Australian Standards</i>.</p>
Environmental Health – contaminated lands	<p>Supported – subject to conditions</p> <p>Contamination investigation found a risk of hazardous materials requiring further investigation.</p>

Internal Referral Body	Comments
	<p>Environmental health is satisfied with the proposal and recommends conditions to identify and manage any hazardous building and fill materials on the site.</p>
<p>Environmental Health – industrial use</p>	<p>Supported – subject to conditions There will be little to no acoustic impact on sensitive receivers such as residential premises.</p> <p>Environmental Health support the proposal with a limited scope of conditions recommended.</p>
<p>Development Engineering</p>	<p>Supported – subject to conditions and concurrence from RMS The submitted stormwater drainage plans and DRAINS model were reviewed and both are satisfactory. The discharges from the development are controlled via a 700 cumec on site detention tank which is proposed to be connected to an existing RMS stormwater pit/system in Warringah Road. The natural fall of the site is generally to this discharge point.</p> <p>RMS concurrence is required for the connection of the site stormwater to the Warringah Road stormwater system which is controlled by RMS.</p> <p>No objections to the development subject to conditions.</p>
<p>Road Reserve</p>	<p>Supported – subject to concurrence from RMS There will be limited impact on existing road assets.</p> <p>It is noted that Development Engineering have provided conditions in relation to road widening and associated civil works. Road widening shall be dedicated to Council as public road.</p> <p>New footpath on Rodborough Road is supported.</p> <p>No objection subject to concurrence from RMS given Allambie Road is a classified Regional Road.</p> <p>Strategic Planning and Transport Network Teams to review impact of proposal on the intersection of Rodborough Road and Allambie Road in light of the Frenchs Forest Precinct Plans and any future proposal to upgrade this intersection.</p>
<p>Heritage</p>	<p>Supported This application was referred to the Heritage Officer as the existing building on site is recognised as a 20th Century Building of Significance by the NSW Chapter of the Australian Institute of Architects.</p> <p>This application proposes demolition of the existing buildings on-site and construction of a new Bunnings Warehouse complex.</p> <p>The site is not heritage listed, but Council is aware that the existing building on-site is recognised by the Australian Institute of Architects (NSW Chapter) on their <i>Register of 20th Century Buildings of Significance</i>. The building was designed by <i>Brown, Brewer & Gregory</i> for the company <i>Smith Kline & French Laboratories</i>, who used it as its headquarters. It was built between 1962 and 1967 and is recognised as a good example of Modern Movement industrial architecture.</p> <p>Therefore, from a heritage point of view, it is considered important that a photographic archival recording be made of the building and its context,</p>

Internal Referral Body	Comments
	prior to any commencement of demolition. A condition of consent requiring this is recommended.
Landscape	<p>Supported – subject to conditions The Landscape Plans and Arborist's Report submitted with the application are noted.</p> <p>The Landscape Plans indicate retention of the Duffy's Forest Endangered Ecological Community on the site and a significant amount of tree, shrub and groundcover planting to compensate for trees proposed to be removed.</p> <p>In total, 79 trees are proposed for removal. The trees comprise a mix of local native, native, exotic and exempt tree species across the site. 80 existing trees are to be retained across the site.</p> <p>The landscape plans indicate replanting of 95 local native canopy trees in addition to smaller trees, shrubs and groundcovers across the site. The Duffy's Forest vegetation is to be protected and expanded via regeneration along the Warringah Road frontage of the site.</p> <p>The landscape plans are considered suitable for the site and address the landscape controls applicable to the site.</p>
Natural Environment - Biodiversity	<p>Supported – subject to conditions The vegetation within the site along the setback to Warringah Road is mapped as the Duffys Forest Ecological Community (DFEC) in the Sydney Basin Bioregion. The applicant has provided a Flora & Fauna Assessment (Cumberland Ecology 12 June 2020), Arborist Report (RainTree consulting 1 June 2020), and Landscape Plan (John Lock & Assoc. 30 April 2020).</p> <p>As the DFEC community is listed as an Endangered Ecological Community, a threatened species 'test of significance' was prepared for the EEC, as well as several threatened species with potential to occur within the study area. The assessments concluded that the development is unlikely to significantly affect threatened species or ecological communities, or their habitats, and a biodiversity development assessment report (BDAR) is not required.</p> <p>The development has included design options and measures to avoid and minimise impacts to the DFEC, and the Flora & Fauna Assessment has provided a range of mitigation measures to reduce the impacts to areas of biodiversity value that cannot be avoided, proposes a Vegetation Management Plan to protect and improve the area of DFEC, and the Landscape Plan has included revegetation utilising species characteristic of the EEC.</p> <p>While the Plans indicate temporary tree protection construction fencing around the area of DFEC, a permanent fencing solution should enclose and protect the DFEC remnant as well as the adjoining "New Duffys Forest Regeneration planting" area from unintended operational impacts.</p>
Parks, Reserves and Foreshores	<p>Supported There are no anticipated impacts on nearby public reserves from the proposal.</p>
Traffic Engineer	<p>Not Supported The proposal has a floor area of 19,654m². The proposal comprises the following key traffic and parking aspects:</p>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> - Construction of five-level hardware and building supplies centre above the basement level. - Basement parking level for 224 cars. - Ground-level at great and undercroft parking for 82 cars; building material and landscape yard, timber trade sale and loading dock; and main entrance feature with travelling and leave to the upper level. - Mezzanine parking level for 91 cars. - Boundary adjustment to provide for Road widening to achieve a slip lane from Allambie Road. <p>Road Network Impact</p> <p>The applicant's traffic report indicates that the peak traffic generation is anticipated to occur during weekends at midday and weekdays PM peak period, which is projected to be a total of 285 and 786 vehicle trips per peak hour respectively.</p> <p>Reference has been made to the "trend line" presented in the traffic report which is a graph based on the traffic generation of several Bunnings stores which were surveyed during Thursday and Weekend peak period. Based on the trend line, the traffic rate of 1.5 and 4.5 vtp/100m² during weekdays and weekend peak hour has been estimated to be generated by a Bunnings with the subject retail floor area, resulting in the above-mentioned traffic generation for the proposed use.</p> <p>It is noted that as demonstrated in the report, the traffic generation rate per 100m² reduces as the floor area of a Bunnings Warehouse increases.</p> <p>Whilst the above rate is considered comparable with Bunnings stores with similar characteristics, the proposed reduction on the above rates due to the presence of other competing Bunnings stores within the principal catchment area, resulting in the reduced rate of 1.45 and 4.0 vtp/100m² is not considered justified.</p> <p>In reference to the data provided in the traffic report regarding the existing Bunnings stores, the traffic generation of the Alexandria Bunnings Warehouse store, which has a similar floor area (about 21,000m²) and similar location in respect to the presence of other Bunnings Warehouses within its surrounding area is 1.52 vtp/100m², which is considered comparable with the proposed rate of 1.5vtp/100m² for the proposed site. So, the proposed reduction in the projected rate based on the presence of other Bunnings site in the catchment area is not justified.</p> <p>The traffic report has also considered 25% to 30% of passing trade based on an article published in ARRB, resulting in a further reduction in the traffic generation. It should be noted that the passing trade will vary based on both development type and location, so application of any passing trade should be based on a survey on similar sites. Also, the passing trade rate shall be applied to the entry vehicles only which would comprise half of the total traffic generation of the land use.</p> <p>The higher level of passing trade could be considered in the traffic implication of the proposed site on the road network in a broader perspective. However, given the location of the vehicular access being located away from Warringah Road, which is a major thoroughfare comprising higher level of passing trade, vehicles passing the site on Warringah Road will still require to redirect to Allambie Road and Rodborough Road to access the site resulting in an intensified level of traffic volume and impact on Warringah Road/Allambie Road and Allambie Road/Rodborough Road intersections on which the main concerns are raised.</p> <p>Clarification required on the existing site's traffic generation applied in the traffic modelling. The statement in the traffic report indicating that the</p>

Internal Referral Body	Comments
	<p>weekdays PM peak generation of the existing site is similar with the proposed Bunnings, is considered inconsistent with the result of survey showing the existing traffic generation of 100 vtpm during network PM peak (4.30-5.30pm).</p> <p>It is noted in the report that one of the principal reasons for the satisfactory outcome of the Sidra model is the redistribution of the traffic away from the Warringah Road/Allambie Road intersection as a result of the provision of the connection of Aquatic Drive to Wakehurst Parkway.</p> <p>This is whilst the connection was completed and in operation at the time of data collection (Dec 2019), so the redistribution has been already reflected in the traffic volume count survey.</p> <p>In view of the above, the traffic report includes a number of assumptions taken into consideration in regards to the proposed peak traffic generation applied in the Sidra model, which are not considered justified and acceptable.</p> <p>Given the location of the proposed use within the Frenchs Forest's Commercial and Business Park, which is identified as an area with job growth in the Frenchs Forest Priority Precinct Plan, the road network impact should be assessed in the context of the Frenchs Forest Precinct plan. The subject site is also located on the border of the Brookvale – Dee Why Strategic Centre. Therefore, any adverse impact on the road network will be considered a significant impact on the surrounding road network and business.</p> <p>Despite the anticipated future growth within Frenchs Forest's Business Park, the infrastructure and road network studies and improvements for the Frenchs Forest Precinct Plan was confined to Warringah Road/Allambie Road intersection and its north area, not comprising the intersection of Allambie Road and Rodborough Road. However, the transport study being undertaken for Brookvale – Dee Why Strategic precinct plan includes the road network surrounding the site. As part of the study, a full SIDRA intersection modelling has been undertaken for the Warringah Road/Allambie Road and Allambie Road/Rodborough Road intersections.</p> <p>The Sidra model has identified that the queuing on Allambie Road South extends past the intersection of Rodborough Road, which is consistent with the existing operation of the intersection (prior to COVID-19). The Brookvale – Dee Why TMAP study recommends the following upgrades on the subject intersections:</p> <ul style="list-style-type: none"> - <i>Extension to the right turn Bay from Warringah Rd to Allambie Road by around 35 metres</i> - <i>Upgrade of Allambie Road/Rodborough Road roundabout to a signalised intersection signal to mitigate the queuing on Allambie Road and for safety benefit to all users.</i> <p>In view of the above and given the current operation of the existing roundabout being at an unsatisfactory level, the construction of the proposed Bunnings Warehouse will be subject to the upgrade of Allambie Road/Rodborough Road roundabout to a signalised intersection. The site will be required to provide a full upgrade of the intersection of Allambie Road and Rodborough Road to provide a signalised intersection and to include all pedestrian and bicycles protection phases on the signals. The applicant is to obtain approval from Transport for NSW's Technical Staff.</p> <p>Should the intersection upgrade require any land dedication, it shall be dedicated to Council as public roads.</p> <p>Proposed Vehicular Access:</p>

Internal Referral Body	Comments
	<p>The proposal comprises the following vehicular access and associated road works:</p> <ul style="list-style-type: none"> - Boundary adjustment and construction of a slip lane in Allambie Road. - A combined ingress/egress driveway on the Allambie Road frontage providing access to the at-grade parking at the front of the warehouse, the building materials and landscape yard and timber trade sales, as well as the undercroft car park and other parking levels; - A combined ingress/egress driveway centrally along the Rodborough Road frontage which will also provide access to the undercroft car park and other parking levels; - Further to the east, the proposal expands the existing driveway to provide ingress and egress for delivery trucks which circulate along the eastern side of the warehouse to the loading dock and turning area. <p>Reviewing the proposed vehicular access arrangements, the following concerns are raised on the vehicular access proposed on Allambie Road:</p> <ul style="list-style-type: none"> - The location of the vehicular access in close proximity to a major signalised intersection: This will result in a significant adverse impact on the operation and safety of the adjacent intersection and road network. The vehicular access is located only less than 60m from the Warringah Road/Allambie Road intersection with a slip lane commencing approx. 23m from the intersection, so that any delay, lane change, or speed reduction by the entering vehicles turning onto the slip lane and the vehicular access will directly impact the operation and safety of the adjacent intersection which is a major signalised intersection - The provision of a short queuing area within the site accommodating two vehicles: No information is provided on the proportion of vehicles expected to use each of the driveways as well as an analysis on the queuing area for the proposed 397 parking spaces. However, in accordance with Australian Standards AS2890.1:2004, and other existing Bunnings Warehouses, the proposed queuing area is insufficient and will result in the queuing to extend onto the frontage road. - The combination of the potential vehicular conflicts resulting from the proposed car park design and provision of a short queuing area within the site, will result in the queuing to extend onto the slip lane resulting in a reduced length of deceleration lane proposed for the vehicles turning onto the driveway. This will exacerbate the concern regarding the implication of the proposed vehicular access on the surrounding road network. - The reliance on the existing vehicular access on Allambie Road is not considered reasonable as the proposed site is considered to significantly intensify the traffic generation during the day, weekday's PM peak and weekend's peak period. It should be noted that the vehicle movements in and out of the existing site mainly occur via Rodborough Road with minimal movement via Allambie Road. <p>In view of the above, and given the intensified level of traffic generation which is expected to be 285 vehicle trips during weekdays network PM peak hour and 786 vehicle trips during weekend peak hours (12pm-1pm), any vehicular access on Allambie Road is considered to result in a significant impact on the road network and will not be supported.</p> <p>Parking Provision</p> <p>The traffic report has provided the following information in support of the proposed parking provision of 397 parking spaces for the proposed use:</p> <p><i>"Council's DCP in relation to Bulky Goods and Timber & Building Supplies specifies that comparison should be made with similar developments. The experience with Bunnings parking demands (Appendix D) is a normal peak</i></p>

Internal Referral Body	Comments
	<p><i>demand of 1 space per 48 to 50m² while consideration also needs to be given to seasonal peak demands.</i></p> <p><i>It is proposed to provide 397 parking spaces in the car park which for the proposed 19,654m² which equates to 1 space per 49m² and this will include 10 accessible spaces and 7 trailer bays. It is the Bunnings experience that this provision will be quite appropriate to satisfy peak seasonal demands and reflects the fact that customers tend to stay longer in large format Bunnings due to the greater range of goods on display."</i></p> <p>The above statement is generally concurred with, and therefore, the proposed parking provision is considered satisfactory.</p> <p>Electric Vehicle Infrastructure The proposed development is to provide at least 2 electric vehicles charging spaces or 2% of the parking spaces (whichever is greater).</p> <p>Bicycle Parking The proposal does not include any bicycle parking. The Bicycle Parking spaces and End of Trip Facilities is to be provided in accordance with Part C, C3 (A) Bicycle Parking and End of Trip Facilities of Warringah DCP 2011, Requirement 4. The provision of minimum one electric charging point for electric bicycles will also be required.</p> <p>Facilities on site Frontage The applicant shall provide 3.0m wide shared path along its full frontages (Warringah Road, Allambie Road and Rodborough Road) and any additional land required to fulfil this requirement is to be dedicated to Council.</p> <p>Conclusion In view of the above, the proposal is not supported.</p>
Urban Design	<p>Supported The proposal has satisfactorily addressed all the issues brought up by Urban Design in the pre-lodgement.</p> <p><u>PLM Urban Design Comments:</u></p> <ol style="list-style-type: none"> 1. <i>Objectives for Zone B7 Business Park call for "business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment."</i> <i>The submitted set of drawings comprises of floor plans only with no sections or elevations. The proposed building height stated in the meeting will be around 20 to 21 m above natural ground level which will be consistent with the general building height in the surrounding Business Park area.</i> <i>The proponent should consider a high quality building façade treatments for future submissions.</i> Response: The proposed built form in the DA is consistent with the surrounding industrial park environment and will be surrounded with adequate landscape buffers. 2. <i>The Bunnings Warehouse proposed will be the first three storey store layout for the company. The roof top floor plan will incorporate the plant nursery sale area with shade structures which should help to break down the building massing and help integrate the development into the business parkland setting. The coffee shop and kids play area will also be located on this top floor to take advantage of the pleasant green outlook and semi-outdoor settings.</i>

Internal Referral Body	Comments
	<p>Response: The proposal has incorporated the customer's amenities accordingly.</p> <p>3. <i>The proposed truck-turning driveway which encroaches into the 30m building setback/ landscape area should be at ground level and should not be perceived as a building structure.</i></p> <p>Response: The truck turning area does not encroach into the 30m building setback area and is located at ground level.</p> <p>Assessing Officers Comments</p> <p>The comments provided by Council's Urban Designer in relation to the façade treatment state:</p> <p><i>The proponent should consider a high quality building façade treatments for future submissions.</i></p> <p>The façade of the proposed development as it addresses the Allambie Road frontage is not considered to provide a '<i>high quality façade treatment</i>' for the sites location within a Business Park. The use of lattice in large expanses is respectfully not considered to be a high quality treatment and not the type of building material anticipated in a business park setting.</p> <p>While it is acknowledged that this treatment is used regularly for the treatment of Bunning Warehouse developments, these are often located within a General Industrial zones where the level of finish is not as high as in a business park zone.</p> <p>The subject site is in a highly prominent and visual location with three (3) high significantly viewable frontages. A more sophisticated treatment of this façade should be incorporated along the Allambie Road frontage to provide an interface more suited to a business park and more consistent with the quality of finish and interface of other developments fronting Warringah Road within the business park.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>Supported</p> <p>Ausgrid has no objection to the DA as detailed below.</p> <p><i>Proximity to Existing Network Assets</i></p> <p><i>Overhead Powerlines</i></p> <p><i>There are existing overhead electricity network assets in Warringah Road, Rodborough Rd & Allambie Rd.</i></p> <p><i>Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.</i></p> <p><i>The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual.</i></p>

External Referral Body	Comments
	<p><i>Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.</i></p> <p><i>It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.</i></p> <p>Underground Cables <i>There are existing underground electricity network assets in Warringah Road & Rodborough Rd.</i></p> <p><i>Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</i></p> <p><i>Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.</i> <i>Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</i></p> <p><i>Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.</i></p> <p>Substation <i>There are existing electricity substation S15311 in 57-373 Warringah Road The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.</i></p> <p><i>In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.</i></p> <p><i>Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non-combustible material.</i></p> <p><i>The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).</i></p> <p><i>Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.</i></p>
Transport for NSW	<p>Not Supported</p> <p>The application was referred to TfNSW on the basis of the following:</p>

External Referral Body	Comments
	<ul style="list-style-type: none"> • <i>Transport for NSW (TfNSW) – Concurrence as the proposal includes over 200 parking spaces</i> • <i>Transport for NSW (TfNSW) – Integrated development under s138 of the Roads Act as it involves a slip lane in Allambie Road</i> <p>Following the initial response from TfNSW dated 10 August 2020, which requested further information in relation to the access onto Allambie Road, swept paths for the access and updated Traffic Control Signal plans, further meetings were held with TfNSW and amended plans were submitted.</p> <p>TfNSW has reviewed the amended information and made the following comments for Council's consideration:</p> <ol style="list-style-type: none"> 1. <i>There are still road safety concerns regarding motorists merging on Allambie Road once they are past the traffic signals in order to access the proposed vehicular access on Allambie Road. The 'good lane discipline' mentioned in the submitted Road Safety Audit is not likely to be maintained by motorists. TfNSW therefore does not support the ingress in close proximity to the signalised intersection.</i> 2. <i>An egress only on Allambie Road could be considered provided that the internal car park design limits the number of vehicles that can exit in this location. Also, pedestrian safety and sight distance issues need to be adequately addressed.</i> <p>The applicant on 26 November 2020 provided the following response to TfNSW comments:</p> <ol style="list-style-type: none"> 1. <i>Whilst we disagree with their views on this matter, we note this is but a single driveway to the development. The development also features its main driveway access to/from Rodborough Road, and the ingress was intended to provide a more direct route principally intended for our trade customers. Notwithstanding the loss of the proposed ingress, they will still have the opportunity to utilise the nearby Rodborough Road access.</i> 2. <i>This option serves to allow traffic egressing the site to be distributed to reduce reliance on the Rodborough Road driveway, and reduce queuing in Rodborough Road. We would see retention of this egress, as currently documented, as a very desirable outcome for local traffic management in and around this development.</i>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs)

A further consideration is required for the following State policies:

SEPP (State and Regional Development) 2011

The proposed development does not constitute State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011.

Of more relevance, Clause 20 of this policy cross-references Schedule 7 of the EP&A Act 1979, which identifies a range of developments that, either due to their nature, scale, value, impact or location, are deemed to be of regional significance and which, as a result, require that the SNPP become the consent authority.

In this regard, Schedule 7(2) indicates that development that has a CIV of \$30 million or more are regionally significant. As indicated on the DA form and as confirmed in the quantity surveyors (QS) report accompanying the application, the proposed development has a CIV of \$48 million.

Therefore, the consent authority for this application is the SNPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The Applicant has submitted a Preliminary Environmental Site Assessment prepared by EIS dated 26 June 2020

The subject site contains two (2) potentially contaminated areas:

1. Fill Material (Entire Site): *The site appears to have been historically filled to achieve existing levels. The fill may have been imported from various sources and can contain elevated concentrations of contaminants.*
2. Hazardous Building Materials (Site Structures) *The buildings on the site have been constructed prior to 1990's. Hazardous building materials were used for construction purposes during this period. The material can pose a potential contamination source during demolition/development.*

Based on the scope of work undertaken, EIS consider that the AEC identified in the PCSM pose a relatively low risk to the site receptors. The presence of building rubble at several locations within the site could potentially suggest the presence of asbestos cement fragments.

The applicant has provided the following conclusion to the site assessment:

"Based on the limited data that was reviewed for the assessment, EIS consider the site can be made suitable for the commercial development provided the following additional work is undertaken to better assess the risks:

1. Undertake a Stage 1/Stage 2 Environmental Site Assessment when access becomes available. This should also include a waste classification assessment for any excess fill generated during the proposed development;
2. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work; and
3. Prepare a contingency plan for any unexpected finds during earthworks.”

The application was also referred to Council's Environmental Health Officer and NSW EPA whom have raised no objection to the proposal subject to conditions.

Accordingly, the land is considered to be suitable for the development subject to conditions.

SEPP 64 - Advertising and Signage

Clause 13 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the advertisement of advertising structure:

- a) Is consistent with the objectives of this policy as set out in clause 3(1) (a);
- b) Has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impact; and
- c) Satisfies any other relevant requirement of this Policy.

The application describes the signage as “Business Identification Signs”.

The proposed development seeks consent for a series of advertising signs, including:

Wall Signs (10)


- East elevation company branding x 2 – (8m high x 25m wide), (12m high x 14.5m wide)
- North elevation (Warringah Road) x 2 – (6m h x 21m w), (12m h x 13.5m w)
- West elevation (Allambie Road) x 4 - (11.5m h x 16m w), (5m x h x 17m w), (15.5m w x 5m h), (12m h x 14.5m w)
- South elevation (Rodborough Road) x 2 – (7m h x 25m w), (12m h x 15m w)

Pylon Signs (2) located at the Allambie Road and Rodborough Road vehicle entrances

- 2.577m h x 1.2m w with a face area of approximately 3.1m².

The proposed development has been assessed using the assessment criteria in Schedule 1 below and overall, the proposed signage locations and size are considered to be compatible with the desired amenity and visual character of the area. The potential impacts are considered to be acceptable and consistent with the requirement of the SEPP.

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed development includes business (identification) and wayfinding signage. The signage is necessary to help identify and locate the facility. While it comprises a coordinated suite of corporate branding signage, the size of the wall signage is considered excessive in size in this business park setting and needs to be reduced in scale and integrated with the development and its context. The proposed signage	No

Matters for Consideration	Comment	Complies
	subject to some changes to the size and frequency could be compatible with the existing and future character of the area.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Although the signage does not involve any advertising, its design is considered incompatible in scale with other business signage in the area.	No
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p> <p>Notwithstanding the site is a prominent marker site and the scale of the branding will be distracting when viewed from Warringah Road.</p>	Yes
3. Views and vistas Does the proposal obscure or compromise important views?	No important views are impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	<p>The proposed signage on every façade of the building will project into the skyline due to the size of the walls they are placed on which are approximately 23.3m high (see Rodborough Road elevation). Signage here is approximately 34% of the building height.</p> <p>While the signage is extensive, it does not impact on any existing vistas beyond the sightlines of major roads and intersections.</p> 	Yes
Does the proposal respect the viewing rights of other advertisers?	There is no impact on the viewing rights of other advertisers.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for	As noted above, the signage is not considered low key or subservient to the overall development. The scale, proportion and form of the signage is out of scale for this business park setting and incompatible with the streetscape.	No

Matters for Consideration	Comment	Complies
the streetscape, setting or landscape?		
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will assist in providing visual interest to the development. However it is considered that more discreet signage could be equally as effective given the premium location of the site at a major state road intersection.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal involves a coordinated suite of signage that is simple, clear and uncluttered. While the theme of the signage is co-ordinated and very recognisable, the amount of signage is considered excessive.	Yes
Does the proposal screen unsightliness?	The signage is not intended to screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage on the on the façade of the new building does not protrude above the buildings, it does however extend above the predominant tree canopy.	Yes
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	As noted above, the signage has been designed as a recognisable feature for this company. The extent of building coverage that the signage engages is considered out of proportion. The facades would benefit from additional articulation even using the paint colours to reduce the scale and bulk of the large wall mass. This in turn would reduce the scale of the signage required to offer balance to façade size. This issue has been raised however resolution of this issue has been subservient to the resolve of the more fundamental aspects of the proposal with access. This is an issue which can be designed to be acceptable.	No
Does the proposal respect important features of the site or building, or both?	As noted above, the signage seeks to draw attention beyond the vegetation which is required to be retained. The signage is not considered subservient to the building and could be amended to complement the architectural and landscape features.	No
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been designed as a compatible component of the overall facility.	Yes
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signs will involve small downlights on adjustable fittings which are mounted to the top of the signs pointed down	Yes
7. Illumination Would illumination result in	The application seeks approval for lighting between the limited hours of 6.00am and 10.00pm seven days. Given that the	Yes

Matters for Consideration	Comment	Complies
unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	proposed down lights are simply to illuminate the signs and are fixed downward, the safety of pedestrians, vehicles and aircraft is not impacted upon.	
Can the intensity of the illumination be adjusted, if necessary?	The downward direction and intensity of the lighting is adjustable if required and as such, the proposed lighting will not result in any unacceptable glare.	Yes
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Because of the nature of the signage, it is not expected that the signs will impact on road, pedestrian or bicyclist safety. In particular, the signs will remain static and will not create glare.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not impact on sightlines from public areas.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any DA (or an application for modification of consent) for any development carried out:

- *Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);*
- *Immediately adjacent to an electricity substation;*
- *Within 5m of an overhead power line;*
- *Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.*

The proposal was referred to Ausgrid who had no objection to the application, subject to compliance with specific requirements contained within their written response.

Clause 104

Clause 104 'Traffic Generating Development' of the SEPP Infrastructure requires the application be referred to the Transport NSW (Former RMS) within seven days, and take into consideration any comments made within 21 days, if the development is specified in Schedule 3 of the SEPP Infrastructure.

Schedule 3 of SEPP Infrastructure requires that the following developments are referred to the Transport NSW as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection,

		measured along alignment of connecting road)
Any development purpose	200 or more vehicles	Any size and capacity

The development consists of 397 vehicles parking spaces. The application was referred to Transport for NSW for comment as traffic generating development under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

Transport for NSW has provided their response which raises a number of issues in relation to the proposed development, specifically pertaining to the proposed slip lane access on the Allambie Road frontage.

While additional information and supporting documents were furnished to TfNSW following a meeting with the relevant stakeholders, this information has failed to satisfy the concerns raised by TfNSW.

Accordingly, the lack of concurrence from TfNSW forms a reason for refusal of the application.

Draft State Environmental Planning Policy Remediation

As discussed above with regards to SEPP 55, the site is considered to be suitable for the proposed development.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

Is the development permissible?	Yes (refer to discussion below)
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Zoning and Permissibility

Definition of proposed development: (ref. WLEP 2011 Dictionary)	<p>(i) Hardware and Building Supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor</p> <p>(ii) Garden Centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:</p> <p>(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,</p> <p>(b) pets and pet supplies,</p> <p>(c) fresh produce.</p>
Zone:	B7 Business Park

Clause	Compliance with Requirements
6.4 Development on sloping land	Not Applicable

Detailed Assessment

Principal Development Standards

Relevant Development Standard	Requirement	Proposed	Variation (%)	Compliance
Clause 4.3 Height of Buildings	No maximum building height	23.2m	N/A	Yes

Clause 4.3 - Building Height

While there is no numerical height requirement for this site, the height has been considered in context with the surrounding development in the business park setting and is considered to be consistent in that respect.

Clause 6.2 - Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and*
- (b) *to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality

Comment: The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) the effect of the proposed development on the likely future use or redevelopment of the land

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition may be included should the application be recommended for approval requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions of consent can adequately provide suitable accountability to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the *Waste Management Plan* for the development. This issue may also be dealt with through conditions.

(a) *the likelihood of disturbing relics*

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area*

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in relation to earthworks.

Clause 6.4 - Development on Sloping Land

The site has been identified as being within 'Area A' on Council's Landslip Risk Map, Clause 6.4 of the WLEP is relevant as the proposal includes excavation works. In this regard, the applicant has submitted a Geotechnical Report, prepared by Douglas Partners in accordance with requirements of this clause.

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*

Comment: The applicant's Geotechnical Assessment report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) *the development will not impact on or affect the existing subsurface flow conditions.*

Comment: The applicant's Geotechnical Assessment report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions.

Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

DEVELOPMENT CONTROL PLAN

WARRINGAH DEVELOPMENT CONTROL PLAN

Built Form Controls

Part B: Built Form Controls			
Relevant Control	Requirement	Proposed	Compliance
B4 Site Coverage	Maximum 33% Site area=21 750m ² (7177.50m ²)	39.17%	NO (acceptable on merit)
B5 Side Boundary Setbacks	Merit	23m (eastern boundary)	YES
B7 Front Boundary Setbacks	Allambie Road -10m	<ul style="list-style-type: none"> 8m to at grade parking where road widening proposed for slip lane 26m to building entry 	NO Yes
	Rodborough Road – 10m	<ul style="list-style-type: none"> 10.2m 	Yes
B9 Rear Boundary setbacks	Merit Assessment	Not applicable as the site has dual frontages	N/A
B14 Main Roads Setback	Warringah Road - 30m	30.4m	Yes

Detailed Assessment against Relevant Clauses with the WDCP:

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	Yes	Yes
Part B Built Form Controls		
B4 Site Coverage	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
Part C Siting Factors		
C2 Traffic, Access and Safety	No	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	N/A	N/A
Part D Design		
D2 Private Open Space	N/A	N/A
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	No	No
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	N/A	N/A
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	No	No
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or high conservation habitat	Yes	Yes
E5 Native vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B4 Site Coverage

The proposed development results in a total site coverage of 39.17% which exceeds the 33.3% (maximum) required by the clause. With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.

Comment:

The site contains significant and dense vegetation along the northern frontage which constitutes Duffys Forest Ecological Community. The landscape plans indicate replanting of 95 local native canopy trees in addition to smaller trees, shrubs and groundcovers across the site. The Duffy's Forest vegetation is to be protected and expanded via regeneration along the Warringah Road frontage of the site.

To minimise the bulk and scale of development.

Comment:

The applicant has provided the following response in relation to the bulk and scale of the development:

"The design of the proposed building mitigates the apparent bulk and scale of the development as the form of the building is articulated, particularly on the northern and eastern sides which face Warringah Road and Allambie Road. The most prominent north-western corner of the building contains the outdoor nursery which comprises a reduced height and shade sails which significantly softens the appearance of the building.

In addition, the western façade which addresses Allambie Road contains the primary front entry portico feature as well a variety of architectural treatments which serve to reduce the apparent bulk and scale of the building. In addition, the proposal significantly increases the setback from Allambie Road when compared to the existing building on the site. The southern elevation to Rodborough Road is also modulated with a lower portion at the western end, a lower portion at the eastern end, and a differing architectural treatment along the ground floor."

While most of the justification provided is concurred with in this instance, it is considered that further visual articulation of the large façades should be provided through a change of colour for the top 20-25% of the structure to reduce the overall visual bulk and mass of the building.

In addition, the Allambie Road entrance detailing which includes "lattice" should be reconsidered and replaced with a more elegant and sophisticated design and finish which is more suited to a business park of this nature.

To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.

Comment:

The proposed stormwater design has been reviewed by Council's Development Engineers and by TfNSW for concurrence as the design seeks to connect into existing infrastructure within the Warringah Road reserve. Subject to conditions, this aspect of the development is acceptable.

To limit impervious areas and encourage natural drainage into the sub-surface.

Comment:

The proposed development represents an increased level of impervious area on the site compared to the current pre-development position. The retention and enhancement of the 30.0m setback to Warringah Road containing Duffys Forest EEC will provide a large natural drainage area for the site.

The proposed development is considered acceptable in terms of site coverage and the extent of non-compliance is considered minor in this instance and supportable.

B7 Front Building Setback

It is acknowledged that the building façade of the proposed development provides a compliant setback to each street frontage and that the building as it presents to Allambie Road provides a

26.0m setback. The site layout includes a row of parking parallel with the Allambie Road boundary which will result in a setback to the proposed amended boundary (subject to the slip lane) of 8.0m.

The requirements for front boundary setback require a 10.0m setback and states:

2. *The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*

Due to the proposed slip lane boundary adjustment three (3) of the proposed staff parking spaces create a non-compliance with this requirement. As these spaces are hardstand spaces with no structure above, the location of these spaces may be considered acceptable and capable of suitably meeting the objectives of the control in this instance.

C3- Parking Facilities

Appendix 1 of the WDCP 2011 requires a development to provide on-site car parking at the following rates (note: required car parking spaces are rounded up):

Component	Required	Provided	Compliance
Hardware and Building Supplies	No rate provided under WDCP comparison with developments for a similar purpose. 1 space per 40-50m ² for 19,654m ² required	397 spaces provided	Yes
Total	397 spaces	397 spaces	Complies

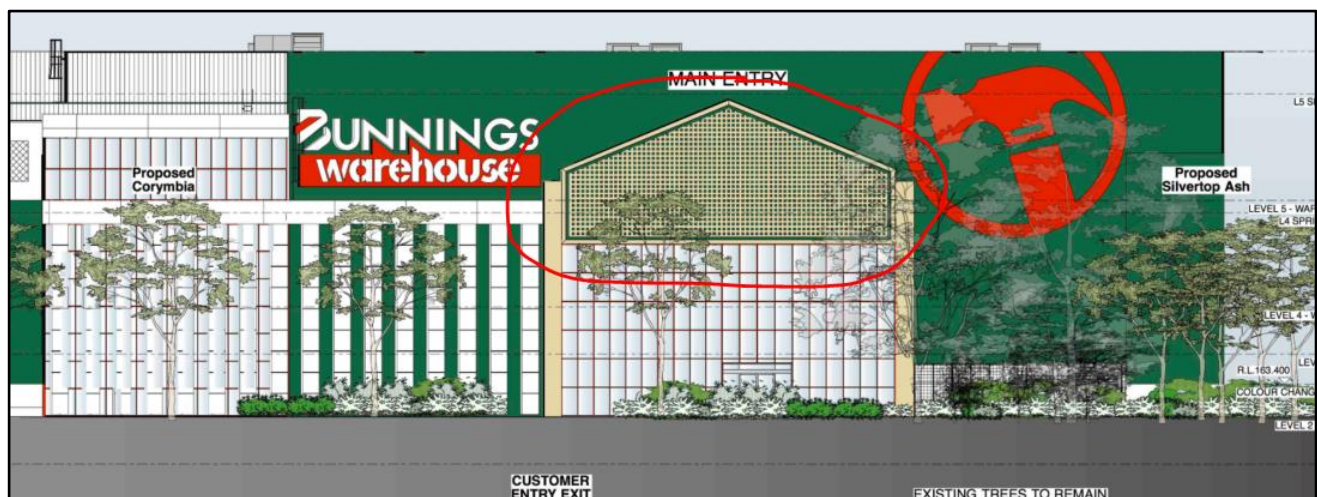
Council's Traffic Engineer has concurred with the proposed parking provision. Therefore, the development is acceptable with regards to the parking provided for the development.

B10 Colours and Materials

The objective of this control seeks:

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

As mentioned previously in this report, the proposed detailing to the Allambie Road entrance is not considered acceptable in the context of this business park.



While it is noted that the majority of Bunnings Warehouse stores are located within industrial zones, this location is a corporate business park and is surrounded by numerous developments which provide a more complementary character and design, ones that are more suited to a business park setting.

The use of a 95m² statement of lattice along the primary entrance and sight line of the development is not considered to be complementary, compatible or sympathetic to the surrounding natural or built environment of this business park. This treatment is not supported.

This issue was highlighted to the Applicant who indicated that there may be scope for alternate design and finishes, however due to the overriding issues with the access and slip lane, no further design changes have been made.

It is considered that this issue may be resolved with additional consultation and amendments to the architectural design and external finishes.

Clause D23 - Signs

The objectives of D23 are:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

A detailed assessment of the proposed signage has been provided earlier in the report in relation to SEPP 64 – Advertising and Signage. The assessment indicates that the signage is excessive in scale and inconsistent with the provisions under SEPP 64.

Similarly, it is considered that the proposed signage is inconsistent with the objectives of the Warringah DCP.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Section 1.3 of the EPA Act, 1979 contains the relevant provisions for the assessment of biodiversity issues for all applications. The matters for consideration under section 1.3 include a range of matters that must be considered and Council is required to adopt a conservative approach in its determination of the biodiversity value.

The proposal has been reviewed by officers in Council's Natural Environmental Unit who have raised no objections subject to conditions included in the recommendation of this report.

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention through Environmental

Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contribution Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$482,900 is required for the provision of new and augmented public infrastructure, should this application be approved.

The contribution is calculated as 1% of the total development cost of \$48,290,000.

CONCLUSION

This report provides a detailed assessment of the proposed development for the construction of a Bunnings Warehouse store.

The assessment of this application has found that the planning, urban design, character, landscaping, stormwater, services infrastructure and noise aspects of the proposal to be generally acceptable and could be supported subject to additional amendments to the plans and/or special conditions.

However, the proposed slip lane and its associated traffic impacts and the building façade and signage issues are all unresolved and warrant the refusal of the application.

While the traffic and parking generated by the proposed development can be accommodated within the local traffic network, the proposed access from Allambie Road is not supported by TfNSW and Council's Traffic Engineer.

Despite numerous attempts to resolve the traffic issue, negotiations have failed to find a solution and the lack of concurrence from TfNSW is fatal to the application. Nevertheless, should the applicant find a solution that is acceptable to TfNSW (and Council), the applicant may wish to apply for a Section 8.2 Review of Determination. The unresolved issue forms the primary reason for refusal of this application.

One submission received in relation to the impact of this development on smaller hardware stores in the locality and this has been addressed in the "Public Notification Section" of this report. The proposed development is located in excess of 4km from the submitters business. This issue does not warrant refusal of the application.

On balance, while the development in most environmental planning aspects is satisfactory, the outstanding issue relating to the conflict with the proposed access to the site from Allambie Road prevents a conditional approval of the application.

Accordingly, it is recommended that the Sydney North Planning Panel (SNPP) refuse the application.

RECOMMENDATION (REFUSAL)

That the Sydney North Planning Panel pursuant to Clause 4.16(1) (b) of the EP&A Act, 1979, REFUSE the granting of development consent to Development Application No. DA2020/0717 for demolition works and construction of a Bunnings Warehouse development containing five (5) levels (hardware and building supplies warehouse with a garden centre), car parking and signage, and boundary adjustment to provide for road widening to facilitate a slip lane from Allambie Road at Lot 1 DP 1209581, 357-373 Warringah Road Frenchs Forest, for the reasons outlined as follows:

1. Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2000, concurrence from Transport for New South Wales (TfNSW) has been refused.

2. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 and Part C2 Traffic, Access and Safety of Warringah Development Control Plan 2011, the proposed development does not provide an acceptable access arrangement in relation to the proposed slip lane in Allambie Road, which will result in unacceptable traffic impacts and conflicts.
3. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed development is inconsistent with the following provisions of Warringah Development Control Plan 2011:
 - B7 Front Building Setback
 - B10 Building Colours and Materials
 - D23 Signs