

NORTHERN BEACHES COUNCIL SUPPLEMENTARY 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

PURPOSE OF THIS REPORT

The purpose of this Supplementary Report is to provide the Sydney North Planning Panel (SNPP) with an assessment of amended plans and further information submitted by the applicant on Thursday 10 December 2020.

This report does not revisit any matter raised in the previous Assessment Report prepared by Council for consideration by the SNPP at its meeting of 15 December 2020.

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

On 10 December 2020, the applicant submitted to Council the following information:

1. Amended stormwater drainage plans including MUSIC and DRAINS files
2. Amended basement access;
3. Amended Stormwater Management Plan (Rev E dated December 2020), C & M Consulting
4. Amended drawings include:

Drawing No.	Dated	Prepared by
02240_01 Rev 03 – General Arrangement Basement Plan	8 December 2020	C & M Consulting Engineers
02240_601 Rev 03 – Stormwater Drainage Catchment Plan	8 December 2020	C & M Consulting Engineers
02240_202 Rev 06 – General Arrangement Ground Floor Plan	8 December 2020	C & M Consulting Engineers
02240_621 Rev 04 – OSD Tank & Details	9 December 2020	C & M Consulting Engineers
02240_622 Rev 04 – OSD Sections	9 December 2020	C & M Consulting Engineers
02240_701 Rev 04 – Sediment & Erosion Control Plan	8 December 2020	C & M Consulting Engineers

On 14 December 2020, the applicant provided to Council an alternative design for the façade finishes to Allambie Road to replace the use of lattice above the entry. An example of this finish is provided as an attachment to this report.

In terms of addressing Council's concerns relating to the scale of the signage and bulk of the large unrelieved facades, the example provided to Council used for detailing the Chatswood and incorporate a band of white along the parapet of the building framing the wall signage and breaking the solid Bunnings green wall facades. It is considered that a similar treatment in this instance would be appropriate on the eastern and southern facades and as an extension of the white concrete panels around the nursery section of the building across the main entrance façade. Details addressing this could be addressed with a condition of consent.

This finish may be conditioned. A condition may read:

Design Changes Required to the Façade

The following design changes must be implemented:

1. *The gabled entrance above the main west facing entry to Allambie Road shall be deleted and a more contemporary design incorporated featuring metal louvres and glazing to present a more sophisticated entrance to the building reflective of the si business park location.*
2. *A revised colour scheme for the building incorporating banding of colours in the Bunnings corporate colour scheme shall be submitted and endorsed by Council prior to the issue of a Construction Certificate.*

3. *Details demonstrating a treatment to the façade including a white band aligning with the top of the white precast concrete panels to reduce the bulk of the building shall be provided to Council's satisfaction.*

Details demonstrating compliance shall be provided to Council prior to the issue of a Construction Certificate.

COMMENTS FROM TRANSPORT FOR NSW

Access Amendments Response

The following response was received from TfNSW in relation to the amended access arrangement on Allambie Road:

Reference is made to additional information provided by Philip Drew of Bunnings on 9 December 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the additional information and notes that the vehicular access arrangements on Allambie Road have been modified so that there is an egress only.

However, it is not clear how the internal car park fronting Allambie Road limits the number of vehicles that can exit in this location. Also, the pedestrian path into the Bunnings development does not provide a pedestrian crossing across the car park. These matters are to be adequately addressed by the proponent to Council's satisfaction.

In addition to the above advisory comments, TfNSW provides the following requirements to be included in any consent issued by Council:

1. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*
2. *The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
3. *All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Warringah Road.*
4. *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Warringah Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*
5. *The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*

Stormwater Design Response

The following is the response received from TfNSW in relation to the amended stormwater and OSD:

TfNSW is still reviewing the amended stormwater plans for the proposed stormwater connections to Warringah Road. I am likely to provide additional comments to Council next week, however given the urgency to forward this application to the Panel, TfNSW requests that the following stormwater condition is also included in any consent issued by the consent authority:

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

Council Traffic Response

Council's Traffic Engineer has reviewed the amended plans and the comments from TfNSW and do not support any access points onto Allambie Road from the site.

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.

Council Development Engineering Response

Council's Development Engineer has reviewed the amended stormwater and OSD plans and advise that the detailing within the amended design is satisfactory.

Should the Panel wish to approve the application, the conditions referenced in this report should be included in the condition set.

APPLICANTS RESPONSE TO CONDITIONS

The applicant has reviewed the draft conditions of consent and has listed the following to be reconsidered/deleted/amended Conditions 1, 5(a), 5(b), 6, 10, 24, and 52:

Deferred Commencement Condition

1. Traffic and Access Management

The applicant must submit amended plans demonstrating that all access and egress is from the Rodborough Road site frontage and that the impact on the road network has been addressed to the satisfaction of both TfNSW and Northern Beaches Council. Consideration is to be given to the management of the traffic generated by the development on the Rodborough Road and Allambie Road intersection so as not to cause further delay along the Warringah Road corridor.

The updated traffic modelling results and SIDRA files are to be submitted to Council for assessment by Council's Traffic Engineer before the Consent can become operative.

Reason: To address impacts on the broader road network and site specific concerns raised by TfNSW and Council (DACTRADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Applicant Response:

Condition to be deleted - This condition lacks any degree of certainty. The traffic modelling and SIDRA has been submitted with the DA and been reviewed by TfNSW who do not object to the outcomes. We are aware that Council is considering traffic lights at this intersection to manage perceived existing issues, however we are also aware that traffic lights are not supported by TfNSW, they are too close to Warringah Road, and in the absence of any fair mechanism for funding or planning, it is unreasonable that the Bunnings be levied 100% for such traffic improvements which clearly are not solely related to the development. Claims that the TMAP report require lights at this

intersection are not pertinent, given it is not a planning document reflected in any publicly scrutinized planning document (LEP, DCP or contributions plan).

Council's Response

Council are not satisfied that any access onto Allambie Road is suitable in this location and do not support the egress option proposed.

5. (a) Approved Plans and Supporting Documentation

Amendment to the plans as shown in red. Should the Panel approve the application, these amendments to the plans set would be as follows:

Architectural Plans- Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
AA1-00 - Site Analysis (RevA)	February 2018	Michael Carr Architect
AA1-01 - Site Plan (RevA)	4 March 2019	Michael Carr Architect
AA1-02 - Existing & Demo Plan (Rev A)	4 March 2019	Michael Carr Architect
AA2-01 - Basement Floor Plan – Carpark (RevC)	6 May 2018	Michael Carr Architect
02240_01 Rev 03 – General Arrangement Basement Plan	8 December 2020	C & M Consulting Engineers
AA2-02 - Level 2 - Ground Floor Plan - Carpark (RevC)	6 May 2018	Michael Carr Architect
02240_202 Rev 06 – General Arrangement Ground Floor Plan	8 December 2020	C & M Consulting Engineers
AA2-03 - Level 3 - Mezzanine Plan - Carpark (RevA)	6 May 2018	Michael Carr Architect
AA2-04 - Level 4 - Warehouse Lvl 1 Plan (RevA)	4 March 2019	Michael Carr Architect
AA2-05 - Level 5 - Warehouse Lvl 2 Plan (RevA)	4 March 2019	Michael Carr Architect
AA2-06 - Roof Plan (RevB)	12 November 2019	Michael Carr Architect
AA4-01 - Elevations (RevB)	6 January 2018	Michael Carr Architect
AA5-01 - Sections (RevB)	5 April 2020	Michael Carr Architect
2704 LP-00 - Landscape Site Plan (RevD)	5 June 2020	John Lock & Associates
2704 LP-00.1 - Existing Tree Plan (RevD)	5 June 2020	John Lock & Associates
2704 LP-01.1 - Landscape Plan - sheet 1 (RevD)	5 June 2020	John Lock & Associates
2704 LP-01.2 - Landscape Plan - sheet 2 (Rev D)	5 June 2020	John Lock & Associates
2704 LP-02 - Landscape Elevations (RevD)	5 June 2020	John Lock & Associates

2704 LP-03 - Landscape Details (RevD)	5 June 2020	John Lock & Associates
02240_601 Rev 03 – Stormwater Drainage Catchment Plan	8 December 2020	C & M Consulting Engineers
02240_621 Rev 04 – OSD Tank & Details	9 December 2020	C & M Consulting Engineers
02240_622 Rev 04 – OSD Sections	9 December 2020	C & M Consulting Engineers
02240_701 Rev 04 – Sediment & Erosion Control Plan	8 December 2020	C & M Consulting Engineers

(b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

Council's Response

To be deleted if deferred commencement condition deleted.

6. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	EDMS Reference	5.08.2020
Transport for NSW	Transport for NSW Referral Response	10.12.2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

Council's Response

Latest TfNSW response to be updated as indicated in red.

10. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$482,900.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$48,290,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the ~~Construction Certificate~~ **Occupation Certificate**. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

Council's Response

No objection as this aligns with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020

24. On-site Stormwater Detention Details

The Applicant is to submit stormwater drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's, WARRINGAH WATER MANAGEMENT POLICY PL850, , and generally in accordance with the concept drainage plans prepared by C and M Consulting Engineers, ~~drawing number 02240_100, 02240_201 Rev 02, 02240_202 Rev 04, 02240_621 REV 02, 02240_100 Rev 02, dated January 2020~~ detailed below:.

Drawing No.	Dated	Prepared by
02240_01 Rev 03 – General Arrangement Basement Plan	8 December 2020	C & M Consulting Engineers
02240_601 Rev 03 – Stormwater Drainage Catchment Plan	8 December 2020	C & M Consulting Engineers
02240_202 Rev 06 – General Arrangement Ground Floor Plan	8 December 2020	C & M Consulting Engineers
02240_621 Rev 04 – OSD Tank & Details	9 December 2020	C & M Consulting Engineers
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Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- The orifice plate size within the detention is to be 250mm diameter.
- Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

Council's Response

No objection to the amendment of this condition to update the plan references as indicated in red.

52. Half Road and Footpath Construction-Rodborough Road

The applicant shall reconstruct half the road and construct a 1.5m wide concrete footpath in Rodborough Road. The works shall be in accordance with the following:

(a) All road reconstruction and footpath works are to be constructed in accordance with Section 138 Road Act approval

(b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Section 138 Road Act approval for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of half road reconstruction and footpath works with Council's specification for engineering works.

Council's Response

Council maintains the necessity of this condition to be imposed. It is a consistently applied condition particularly given the extent of excavation and site disturbance, truck movements that will be required during construction.