

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	Approval
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	13 January 2021

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 outstanding information relating to this application in addition to the assessment report and previous supplementary report following receipt of comments and support from TfNSW received on 15 December 2020: The deferral received from the SNPP states the following:

The Panel agreed to defer the determination of the DA until the Applicant and Council resolve their disagreement over traffic and access arrangements and TfNSW concurrence is also provided. Additionally, the Applicant and Council must resolve their disagreement over Condition 52 – Half Road and Footpath Reconstruction – Rodborough Road. Any design implications from the resolution of these arrangements needs also to be concluded and amended plans to be submitted if required.

During this time, the Applicant and Council should resolve the outstanding issues regarding façade colours, materials, branding and signage.

Further discussion and agreement has been undertaken and the following comments have been provided:

TfNSW response in relation to concurrence for egress onto Allambie Road (received 15 December 2020)

“Transport for NSW (TfNSW) advises that Allambie Road in this location is under the care and control of Council, and concurrence from TfNSW for the vehicular crossing on the local road is not required.

TfNSW provided comments for the proposed vehicular access, due to the close proximity to the signalised intersection and potential road safety issues with merging vehicles and conflicts with pedestrians in this location, under Clause 104 of SEPP Infrastructure.

Please note that concurrence is not required under Clause 100 of SEPP Infrastructure for the proposed vehicular crossing.”

Council’s Traffic Engineer has reviewed amended information from the Applicant and the comments from TfNSW. Following further discussions with the Applicant, Council have agreed to support a temporary egress point onto Allambie Road from the site until the Rodborough and Allambie Roads intersection is signalized, at which time the approved egress will need to be closed. A new condition (No. 79) has been agreed with the Applicant in this regard.

TfNSW response in relation to proposed stormwater connection (received 15 December 2020)

In addition to closing out their position with the driveway crossing into the site, TfNSW on 15 December 2020 have provided the following in relation to the proposed stormwater connection:

TfNSW has reviewed the additional information and advises that the previous TfNSW stormwater matters in the email dated 13 October 2020 have been resolved. The stormwater connection to the existing pit within the private property is to be undertaken to the satisfaction of Council.

In terms of Condition No. 52, the wording and intent of this condition has been negotiated between the Applicant and Council to read as follows:

52. Half Road and Footpath Construction-Rodborough Road

The applicant shall mill the existing pavement to a depth of 50mm and re-sheet half the road with AC14 (as per Council’s specification), and construct a 1.5m wide concrete footpath for the full frontage of the site in Rodborough Road.

The applicant shall replace the redundant driveway laybacks and the existing kerb and gutter between these and the new construction to provide a continuous kerb and gutter section along the Rodborough Road frontage of the site.

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 road reconstruction and footpath works with Council's specification for engineering works.

It is noted that due to the changes to the proposal in terms of the removal of an access point from the Allambie Road frontage and inclusion of an egress only, there will no longer be any need for a boundary adjustment in this location.

All outstanding matters detailed in the deferral are now considered sufficiently resolved by both Council and the Applicant.

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

A new set of draft conditions is attached to this report.