

# DEPARTMENT OF PLANNING

## Development Assessment

### SUBJECT: 78-96 ARNCLIFFE STREET AND 31-45 PRINCES HIGHWAY WOLLI CREEK - ROCKDALE LOCAL GOVERNMENT AREA

#### PURPOSE

To determine a modification request for the 78-96 Arncliffe Street and 31-45 Princes Highway, Wolli Creek – Rockdale Local Government Area.

#### BACKGROUND

On 7 July 2010, the Deputy Director General, as delegate for the Minister of Planning granted approval to MP09\_0169 for the temporary use of the site at 78-96 Arncliffe Street and 31-45 Princes Highway, Wolli Creek. The Project Application approval is time limited for up to 15 years and comprises Stage 1 of a larger proposal for a \$260 million mixed use retail, serviced apartment and residential development which is subject of a separate Concept Plan application, MP08\_0235.

The approval granted use of the site for lower scale retail development on a temporary basis. The temporary use will provide a level of financial security for the Proponent, while seeking Concept Plan approval from the Minister for the redevelopment of the site for a larger mixed use retail/commercial/residential development which can be realised at a later date.

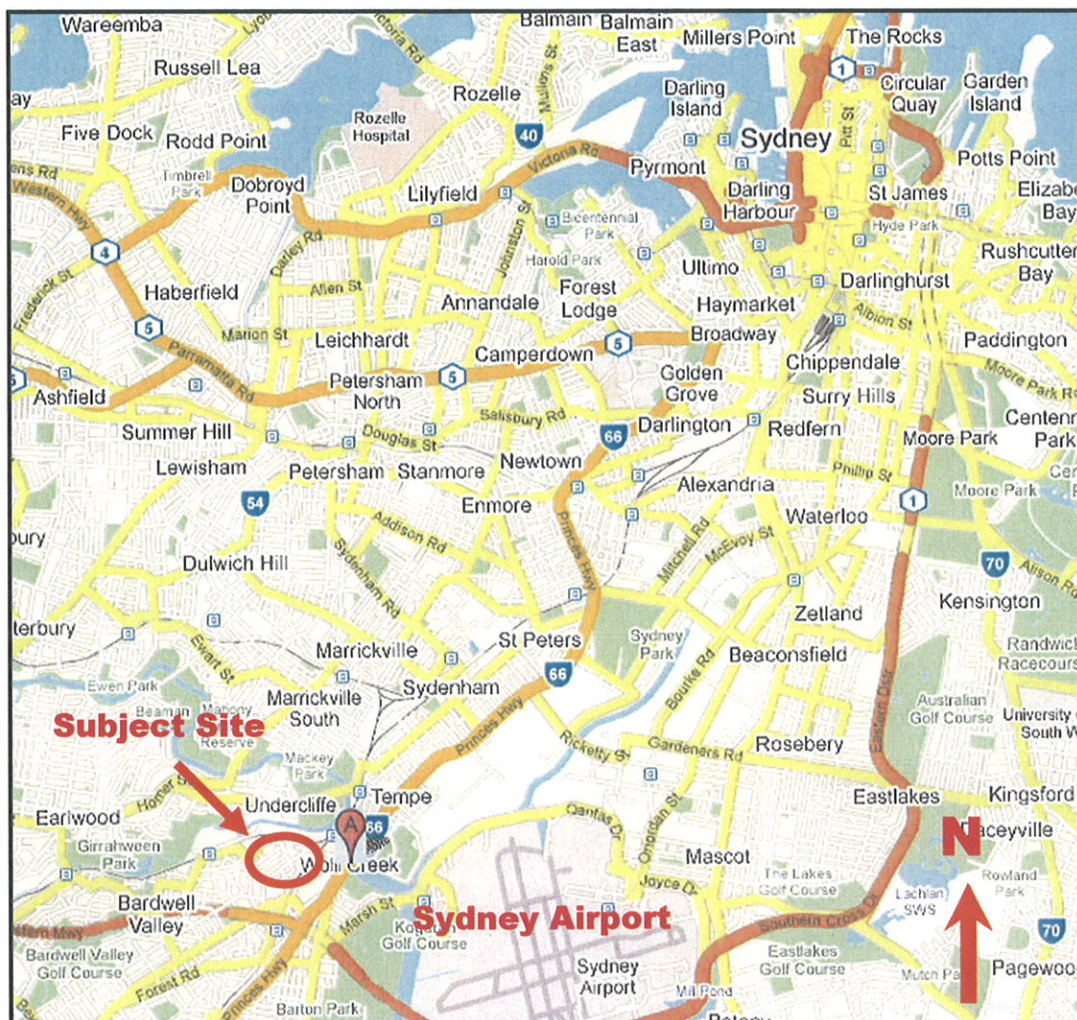
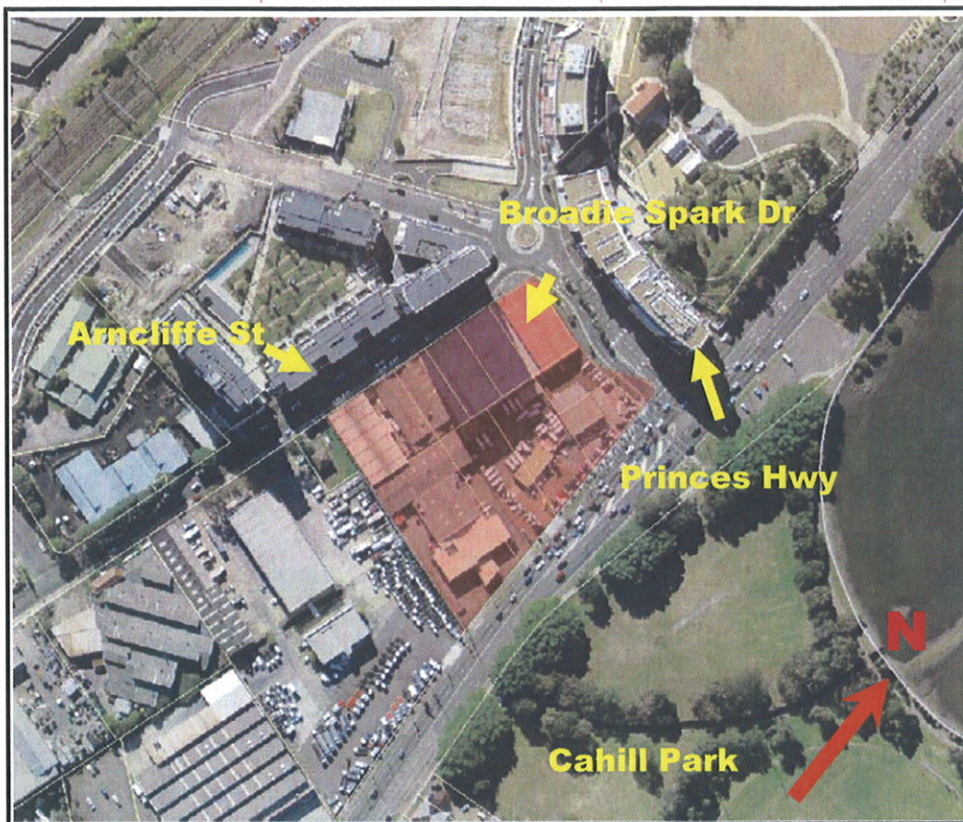


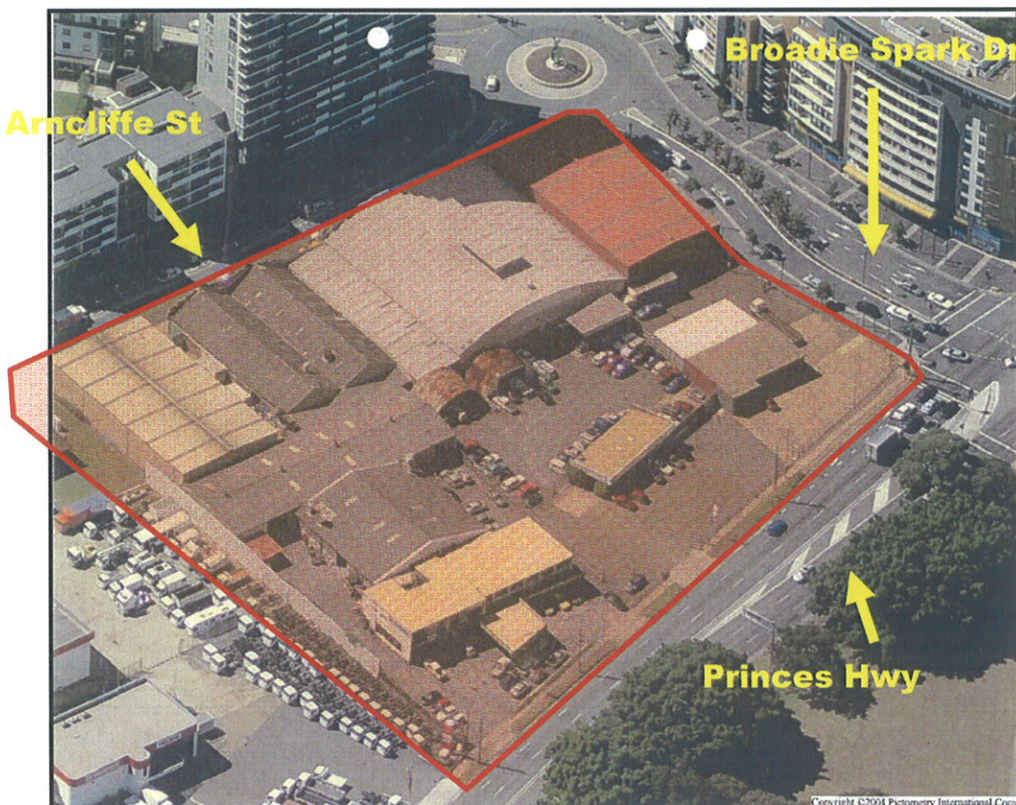
Diagram 1 – Regional Context (Source: Google Earth)



The site has three street frontages with the main frontages to Arncliffe Street to the north and Princes Highway to the south. Brodie Spark Drive is located to the east and the adjoining neighbour to the west is a large Suttons Motors Car Dealership. The site has a total area of 12,451sqm and is generally rectangular in shape (**Diagrams 2 and 3**).



*Diagram 2 – Locality Plan (Source: Google Earth)*



*Diagram 3 – Aerial of site and locality (Source: Google Earth)*



## PROPOSED MODIFICATION

The modification seeks approval for the following amendments to the approved Major Project.

TABLE 1: Requested modifications to conditions of approval

Proposed Modifications	Supported
1. Vary condition B1 to start 15 year limit of approval upon date of issuing Occupation Certificate	No
2. Include signage as part of proposal	No
3. Increase retail floor area by 408m <sup>2</sup> from 600m <sup>2</sup> to 1008m <sup>2</sup>	Yes
4. Extension of loading dock operation hours to 6:00am – 11:00pm Mondays to Saturdays and 7:00am – 9:00pm Sundays and Public Holidays	Yes *Subject to amendment
5. Amend car parking layout and reduce from 184 to 172 car spaces	Yes
6. Relocate plant and equipment	Yes
7. Minor design changes to the building, layout and elevations	Yes
8. Amend condition relating to S94 contributions allowing staged payments	Yes

The proposed modifications do not alter the overall nature, needs or justification of the approved project. A detailed assessment is provided later in the report below.

## CONSULTATION

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the Department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. However, the modification application was referred to Rockdale Council for comment. Overall, 1 agency (Council) submission and 3 public submissions were received on the modification request.

### Rockdale Council

Rockdale have raised concerns with regards to:

- Urban design - The increase in building footprint will impact upon the aesthetics and visual amenity of the site, particularly along Brodie Spark Drive and reduce the area available for landscaping. In addition the amended schedule of finishes is not supported and it is recommended that Council be consulted prior to finalisation of schedule of finishes given the significance of the site. Council also identified that there have been a range of minor changes to façade detailing which have not been detailed in the application by the proponent.
- Signage – The proposed signage should be should subject to a separate application to be determined by Council in accordance with condition B3.
- Notification – The application should be notified given the potential adverse impacts on adjoining residents as a result of the proposed extension of loading dock hours.
- Section 94 Contributions Plan 2004 – The increase in retail floor space will increase Section 94 Contributions applicable to the development. Condition B7 is required to be amended to reflect this.

### Public Submissions

The key issues raised in public submissions are as follows:

- Amendment request to condition B1 will sterilise the site further from redevelopment.
- Adverse traffic and car parking impacts
- Proposed Loading dock hours will have adverse impacts on the amenity of adjoining residents.
- Application has not been exhibited for public comment
- Insufficient information has been submitted regarding proposed signage

### Comment

The matters raised are addressed below under Key Issues and Consultation.

## **DELEGATED AUTHORITY**

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As 3 public submissions were received, the Director may determine the modification request under delegated authority.

## **KEY ISSUES**

### **Acoustic Impacts**

The original assessment and approval gave consideration to the potential acoustic impacts on adjacent residents to the west in Arncliffe Street. Potential adverse acoustic impacts as a result of the modification request include the extension of loading dock hours, and relocation of rooftop plant machinery.

### Loading Dock

The proposed modification seeks to extend the loading dock operation hours as follows:

**TABLE 2: Loading dock operation hours**

	<b>Approved</b>	<b>Requested in MOD</b>	<b>Department Recommended</b>
Mondays to Saturdays	8:00am – 9:00am	6:00am – 11:00pm	7:00am – 10:00pm
Sundays and Public Holidays	8:00am – 7:00pm	7:00am – 9:00pm	8:00am – 9:00pm

The proponent claims that the proposed loading dock hours are essential in the operation of the future supermarket. However, there is concern that the proposal may have adverse acoustic impacts on adjoining residents as a result of the early and late operating hours given the loading docks location and proximity to residents.

However it is recognised that through best management practice, these impacts can be appropriately mitigated. It is recommended that a condition be imposed for the submission of a loading dock management plan for the operation of the loading dock prior to issue of an occupation certificate, to ensure any adverse acoustic impacts are appropriately mitigated by best management practice.

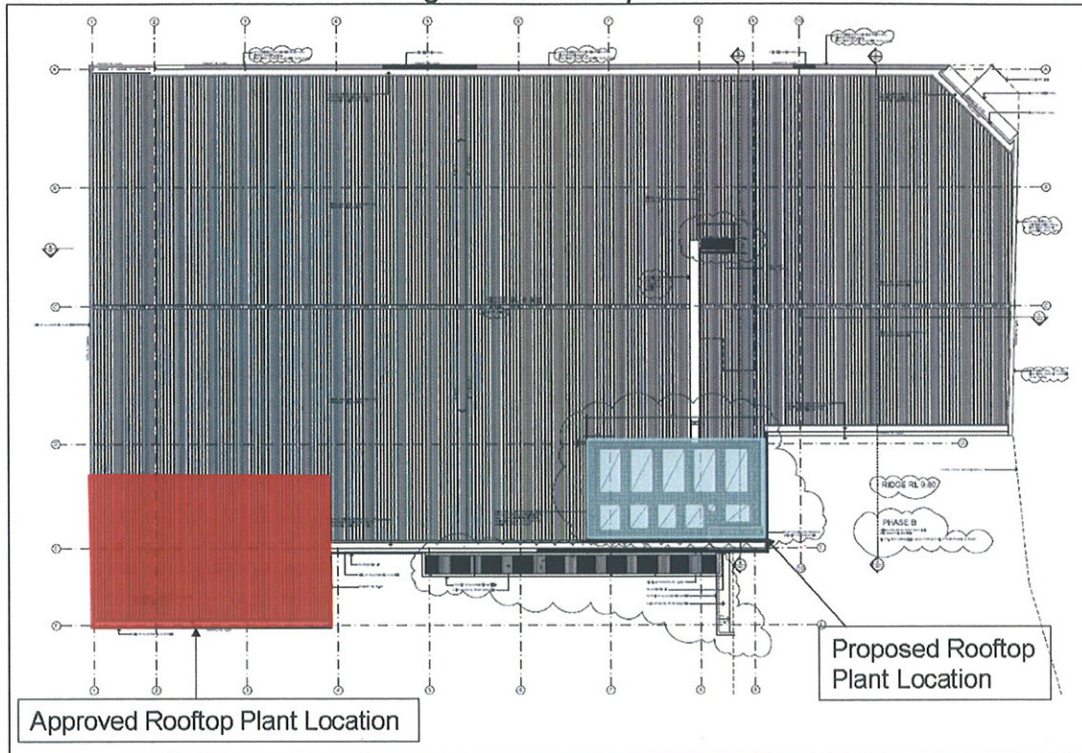
In addition, another condition is recommended restricting the loading dock operational hours as detailed in Table 2 above. These amended hours of operation shall be operational for an initial trial period of 6 months. During the trial period, a report will be required to be submitted to the Department every 3 months outlining any complaints received in relation to the operation of the loading dock. Should the Department be unsatisfied that the loading dock is not operating with minimal impact on adjoining residents at the end of the 6 month trial period, the loading dock operating hours will be required to revert to the originally approved hours of operation. This trial period will ensure that should adjoining residents be unreasonably impacted by any adverse acoustic impacts as a result of the loading dock during the 6 month trial period, future approval of the modified hours is not granted.



### Plant Machinery

The rooftop plant machinery is to be relocated from the south western corner of the supermarket to between the phase A and phase B building (refer to diagram 4). The Acoustic Assessment dated 24 November 2010 by SLR Heggies suggests that there is potential for acoustic impacts on adjoining residents. However, they have noted that this can be mitigated via suitable design mechanisms which can be reviewed during selection of plant machinery. Condition B33 of the original approval requires that rooftop plant areas are designed to ensure no adverse noise impacts and the subject condition will remain unchanged.

**Diagram 4 – Rooftop Plant**



In this regard, it is considered all potential acoustic impacts as a result of the modification have been appropriately addressed.

### **Traffic and Car parking**

The modification request seeks to amend the car parking layout as a result of design changes to the approved building layout and other minor additions including a new trolley corral and power substation. The amended car park layout results in a loss of 12 car spaces with provision for a total of 172 car spaces. (4 disabled and 6 staff) and 8 motorbike spaces and facilities for 32 bicycles (Phases A and B combined).

Council's DCP requires the provision of 1 car space per 25m<sup>2</sup> of retail floor area. The additional retail floor space of 408m<sup>2</sup> requires the provision of an additional 16 car spaces. The proposed modification is deficient by 28 car spaces.

The site is within close proximity to rail and bus services and the proponent has committed to developing initiatives to encourage sustainable travel behaviour by implementing a management system restricting use of car spaces to retail patrons and staff to minimise traffic movements so as to deter commuter parking, whilst encouraging the use of public transport.



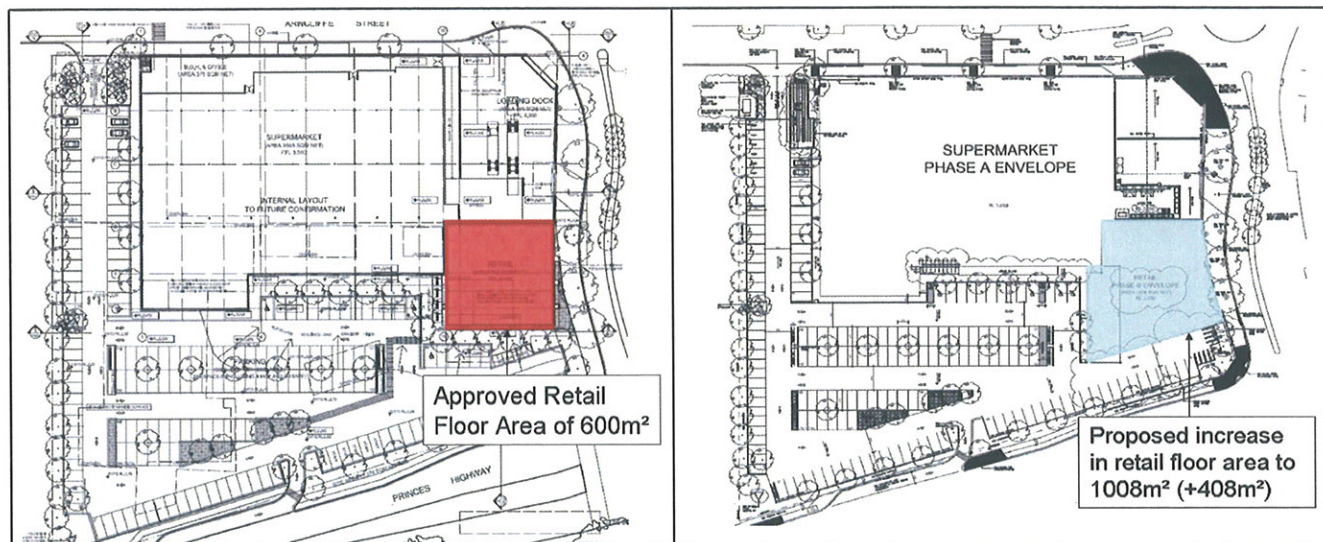
Traffic impacts were originally considered as part of the original approval. It is considered the minor increase in retail floor area is unlikely to generate a substantial increase in traffic from that originally approved.

The Department considers that the modification request is acceptable in relation to traffic and car parking.

### Gross Floor Area

The proposal seeks approval for an additional 408m<sup>2</sup> of specialty retail floor space with a total of 1008m<sup>2</sup> in specialty retail floor space (Phase A and B combined) (refer to diagram 5).

*Diagram 4 – Rooftop Plant*



The total retail floor space for the site is 5,158m<sup>2</sup> resulting in a slight increase in the overall Floor Space Ratio (FSR) for the site to 0.4:1. This is well below the permissible FSR of the site 2.85:1.

### Term of Temporary Use of site

The modification request seeks to amend Condition B1 to allow for the term of temporary use of the site for 15 years to commence from the date of issue of an Occupation Certificate. The proponent claims that this is required to secure a tenant for the supermarket.

While the Proponent has requested that the temporary period of 15 years commence from the issue of an Occupation Certificate, the Department considers it more appropriate that the period commence from the date of approval, as there may potentially be a considerable time delay before an Occupation Certificate is issued. Given the site's significance as a future centre for Wolli Creek, this is not desirable. In addition, no detailed documentation has been provided to justify the proponent's claims. In this regard, it is recommended that Condition B1 remain unchanged.

### Signage

The modification request seeks inclusion of signage as part of the development approval. 15 signs are proposed relating to future occupation of the site. The signage plans provided are for "Woolworths" and "Dan Murphy's" tenancies.

Condition B3 of the approval required that signage and internal fitout of retail areas must be the subject of separate development applications to Council. The proponent fails to justify the need for approval of signage as part of the development by the Department and it is appropriate that the condition remain.

### **Design**

The proposed design changes to the building including changes to the materials and finishes, widening of the loading dock driveway width, and layout of the carpark are generally minor in nature and will have an overall minimal impact on the overall design of the site, and significance. The proposal remains generally consistent to the original approval and is considered acceptable.

Council raised concerns that the Proponent's submission did not adequately explain or detail all the changes made to the plans. The Department has reviewed the approved and modification plans and while there are some minor changes evident, particularly to the Arncliffe Street elevation, this results from a reduction to the amount of demolition proposed which is supported by the Department.

### **Section 94 Contributions**

Condition B7 is required to be amended to reflect the increased retail floor space. Council has advised that the new contribution applicable is **\$674,767.88**.

In addition, the Proponent has agreed with Council to pay Section 94 contributions in accordance with a periodic payment schedule as per the letter dated 27 October 2010 issued by Council. Condition B7 is amended to reflect the above.

### **CONCLUSION**

The proposed modifications do not alter the overall use, character, form or justification of the approved project. The main issue relates to loading dock hours and potential acoustic impacts, and have been addressed above. It is therefore considered that the proposal, as modified, is generally consistent with the approved development.

The proposed modification does not result in a "radical transformation" of the original approval which was for the temporary use of the site for lower scale retail development. The modifications proposed are generally minor in nature and to improve general operation of the retail development on site, and consistent with the character of the development.

In this regard, it is recommended that the modification application be approved subject to the imposition and amendment of appropriate conditions

## RECOMMENDATION

It is **RECOMMENDED** that the Director:

- **note** the information provided in this briefing;
- **approve** the modification request, subject to conditions;
- **sign** the attached modifying instrument (Tag A); and
- **sign** the attached letters to inform the Proponent and Council accordingly (Tag B).

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Approved by:

 22/2/2011

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**Metropolitan & Regional Projects South**



## APPENDIX A      MODIFICATION REQUEST

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4286](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4286)

## **APPENDIX B    RELEVANT REPORTS OR DOCUMENTS**

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See the Department's website at:

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## APPENDIX C SUBMISSIONS

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