

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE7 - Development Application No.010.2011.0000039.004 – 90 Railside Avenue, Bargo – Section 96 Application to Modify Development Consent

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Development Application No.010.2011.0000039.004 – 90 Railside Avenue, Bargo – Section 96 Application to Modify Development Consent: changes to existing car park, ingress/egress and car parking numbers

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DD010.2011.0000039.004



LOCATION MAP ↑
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DEVELOPMENT INFORMATION

Development Application No:	010.2011.0000039.004
Property Details:	90 Railside Avenue, Bargo
Applicant:	3D Evolution
Owner:	Nathan Stamatis
Proposal Details:	S96 (2) Modification to Amend Existing Car Park Ingress/Egress and Reduce Car Parking Numbers by Two (2)
Zone:	Part B2 Local Centre and Part R3 Medium Density Residential

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EXECUTIVE SUMMARY

- In 2011, Council granted development consent for demolition of existing buildings on the subject site, construction of a grocery store, commercial premises and associated car parking infrastructure. The purpose of this report is to provide an assessment of a Modified Application to amend the car park arrangements for the site.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

Consent was issued on 21 July 2011 for the demolition of existing buildings and the subsequent construction of a single storey retail development comprising a grocery store, small commercial space and car parking areas containing 45 spaces.

The development has been the subject of a number of Modified Applications. The current modification was lodged on 23 November 2015. It was initiated due to the temporary installation of alternate site access/egress by Council from Noongah Street to allow Council to undertake remedial civil works to the Railside Avenue and Noongah Street (i.e footpath widening, stormwater drainage works, road shoulder reconstruction etc). The alternate site access/egress was constructed in accordance with Council's Engineering Standards.

A report on the Modified Application was considered at the 16 May 2016 Ordinary Meeting. Council resolved:

'That this matter be deferred for a site inspection and reported to the June Council meeting.

On 1 June 2016, a site inspection was undertaken by members of the Executive and Councillors. The inspection was an opportunity to review and discuss the proposed changes onsite.

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A further report on the matter was considered at the 20 June 2016 Ordinary Meeting. Council resolved:

1. *That this matter be deferred pending liaison with the bus company regarding potential for an alternative bus interchange location.*
2. *That the accessible car park in the southern portion be reassessed in terms of its location and preference be made to move it to the northern location in the vicinity of E8 – E9.*
3. *That a further report come to Council within two months."*

Unfortunately due to the caretaker arrangements prior to the recent Local Government Elections, this matter could not be reported back to Council as requested in the above resolution.

The following comments are provided with respect to the matters raised in the most recent resolution of Council.

ALTERNATIVE BUS INTERCHANGE

With respect to Council's resolution, the local bus provider was asked to provide comments regarding the following options for the bus stop arrangements at Bargo:

- Option A: leave the access arrangements "as is" at the Noongah St, Bargo Bus Interchange
- Option B: near the Public Toilet on east side of Railside Ave, Bargo
- Option C: along Great Southern Rd (east side) in front of Bargo Hotel.

Picton Bus Lines provided the following comments:

"After careful consideration I still believe Option A (leave it as it is) is still the best given that all the infrastructure is in place including being 100% DDA compliant bus stop and this interchange has always worked very well for many decades however I also understand that the demographics have changed considerably after the introduction of the IGA supermarket.

I don't see a great difference between the potential dangers of pedestrians crossing the side driveway out of the car park and the pedestrians taking the shortest desire line across the middle of the car park to access the shops each day.

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In saying that Options B & C could be achievable from a timetabling and route planning perspective however would come at great cost to the Council. I agree with Michael Malone's comments that you cannot put a price on a life should something serious occur at this location and that is a risk we face every day in many areas across the shire.

I have tabled all the information with Transport for NSW and will advise any decisions made by them once known. They did not give too much indication on Tuesday of their preferences and stated they will come back to me in due course with a decision."

As detailed in the previous assessment report, Council's Development Engineering Section advised that Option A is acceptable, subject to conditions.

ACCESSIBLE CAR SPACE LOCATION

The Modified Application relates to development approved at No 90 Railside Avenue, Bargo. This is a unique site with two parcels of land situated on the northern and southern side of No.84-86 Railside Avenue. These properties are held in separate ownership. Collectively however the development on these properties form the shopping complex referred to a Bargo Central.

Relocation of the accessible parking spaces as identified in the Council resolution is not possible as parking spaces E1 to E16 inclusive not located on the land which is subject to this application.

Under the Environmental Planning and Assessment Act 1979, Council does not have the power to impose a condition on land that is not subject of this application.

The location of the accessible parking space as recommended in the previous report to Council (i.e. space 19) is considered to be most practical as anyone with a mobility issue will have access to the footpath running in front of the commercial buildings. There is an existing 'pram ramp' whereby there is no grade impediment for access to the footpath.

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IMPACT OF THE DEVELOPMENT

Based on the merits of the case, it is considered that the proposed modification would not result in any unreasonable environmental, social or economic impacts.

THE PUBLIC INTEREST

This proposed modification application has been designed to improve onsite traffic circulation and local traffic issues that have been in part identified by Council staff.

Based on the merits of the case, it is considered that the modified development is within the public interest.

ATTACHMENTS INCLUDED IN SEPARATE BOOKLET

1. Previous Report to Council from the 16 May 2016 Council Meeting.

RECOMMENDATION

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, it is recommended that Council grant approval to Application to Modify Development Consent No.010.2011.00000039.004 and amend the subject Development Consent 010.2011.00000039.001 as follows:

1. Condition 1(2) is amended to read:

"1(2) Development shall take place in accordance with the following plans:

Plan Title	Author/Drawn By	Plan Reference	Dated
Ground Floor Plan (including landscaping schedule) as amended by Site Plan	Drawn by I.V. from PDS Project Design Services as amended by the plan drawn by 3d evolution	PDS-10-10 (Issue D) Sheet No. DA 01 as amended by Drawing No. CON-100 (Revision L)	13/05/11 25.01.2016
Section and Elevations	Drawn by I.V. from PDS Project Design Services	PDS-10-10 (Issue D) Sheet No. DA 03	13/05/11
Roof Plan	Drawn by I.V. from PDS Project Design Services	PDS-10-10 (Issue D) Sheet No. DA 02	3/05/11

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2. Condition 7(7) is inserted as follows:
“7(7) All works are to be designed and carried out in accordance with Wollondilly Shire Council’s adopted Design and Construction Specifications.”

3. Condition 10(1) is amended to read as follows:

“10(1) A total of forty-three (43) sealed car parking spaces and access thereto shall be provided for the proposed development.

Such spaces are to measure not less than 2.6m x 5.5m and are to be marked on the pavement in white line marking paint.”

4. Conditions 11(7), (8), (9) and (10) are inserted as follows:

“11(7) The applicant shall construct a new heavy duty concrete access (exit only) in Noongah St and alter the parking to relocate the Disabled Parking space as generally shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. This exit shall include the installation of kerbs each side to delineate the access & provide separation to the parking & trolley bay.

Details of this must be provided on engineering plans and approved by Council’s Infrastructure Planning Section, under Section 138 of the Roads Act 1993. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and Permit for Roadworks under Section 138 of the Roads Act.

11(8) The applicant shall carry out alteration works including signage (“Left Turn Only”) and line marking as proposed for the existing entry/exit associated with carpark 1 in Railside Ave generally as shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. Details of this shall be included on the engineering plans for approval by Council’s Infrastructure Planning Section.

11(9) The applicant shall carry out alteration works including signage (“Exit Only” and “No Entry”) and line marking for the proposed new Noongah Street access associated with carpark 2 generally as shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. Details for this shall be included on the engineering plans.

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11(10) An appropriate upgrade of the traffic management in Railside Avenue shall be undertaken to reinforce and facilitate the proposal to make the entry/exit associated with carpark 1 into a “left only” exit as well as improve traffic safety in the general vicinity of the site. Details of the upgrade shall be approved by the Local Traffic Committee and included on the engineering plans for approval by Council’s Infrastructure Planning Section prior to the issue of a Permit for Roadworks under Section 138 of the Roads Act. The developer shall contribute to the cost of these works as determined by Council.”

5. Advice Condition (d) be amended to read as follows:

“(d) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- *Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer’s registration is not registration for use on Public Road construction work.*
- *Workers Compensation Insurance.*
- *Twenty Million Dollar Public Liability Insurance.*