

2010SYE114 – 31 Willarong Road, Caringbah  
DA10/1317

## ASSESSMENT REPORT APPENDICES

Appendix	A	Minutes from Architectural Review Advisory Panel Meeting of 15 April 2010
	B	Pre-Application Discussion response letter from Council – meeting date 18 November 2010
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## Architectural Review Advisory Panel

Proposal:

**Demolition of Existing Warehouse and Construction of New Bulky Goods Retail Warehouse Including Outdoor Nursery, Timber Trade Area, Carparking and Signage**

Property:

**31-35 Willarong Road CARINGBAH NSW 2229**

Applicant:

**John R Brogan And Associates**

File Number:

**ARAP10/0005**

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The following is the report of the Architectural Review Advisory Panel Meeting held on 15 April 2010 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

Council's David Jarvis and Peter Brooker outlined the proposal, including providing details of Council's relevant codes and policies.

Rob Orr, Christian Kublins, and John Locke addressed the Panel regarding the aims of the proposal and the constraints of the site.

The proposal consists of the demolition of the existing single storey Bunnings warehouse and the construction of a new two (2) storey Bunnings warehouse with basement car parking. The applicant advised that the existing store needs to be developed to allow a wider range of products and an increased number of parking spaces. A need for a larger store in the current location has been identified.

To accommodate the new Bunnings warehouse the applicant has reconsidered the more typical Bunnings layout which consists of a large single storey building with at-grade parking and chosen to develop a more urban two (2) storey form that covers a larger proportion of the site with built form and creates a basement car park.

The concept of a multi-level development is reasonable, particularly if it provides the opportunity for better landscaping and the introduction of added facilities such as roof top gardens. It is recommended that further consideration be given to the following issues:

### Street Address

The current proposal is entirely focused on patrons arriving and departing by car and provides no opportunity for interaction with the rest of the retail centre. The building is designed in a defensive manner that turns its back on the street and provides no pedestrian point of entry.

The proposed building is situated in a retail centre containing other stores of interest that patrons of the centre may wish to visit. The proposed store is also situated directly adjacent to a residential area. Both of these factors generate the necessity for the

proposed warehouse to be provided with a pedestrian friendly street address and a prominent pedestrian point of entry. If possible, two points of entry could be explored.

It is recommended that pedestrian patterns in the area be considered and used to help generate a more responsive building design. It is suggested that the proposed building's western street address is of particular importance as this street provides a link between retail outlets located to the north and south of the site. It is recommended that an entrance and forecourt be provided in this location. Particular consideration should be given to the north-western corner building, which is highly visible when entering the precinct from Taren Point Road. Ideally, the forecourt should provide opportunities for community activities such as the traditional Bunnings "sausage sizzle" and help form a strong connection between the proposed Bunnings warehouse and the rest of the surrounding activities.

### Environmental Design

The applicant explained that Bunnings has set itself the goal of becoming carbon neutral by 2020. This is being achieved in many ways, including the use of rainwater harvesting for toilet flushing and irrigation and the use of energy efficient lighting. This approach is commended and it is suggested that the potential to reuse some of the materials from the existing facility be investigated to help reduce the environmental impact of the construction of the new facility.

### Social Dimension

It is suggested that Bunnings has an opportunity to further develop its environmental commitment, demonstrate good will and improve social standing by creating an active ecological expression with the proposed building. A positive demonstration of good practice, environmental design philosophies and techniques such as the use of solar panels, rainwater tanks and considered ventilation systems, combined with good urban design philosophies, will help to achieve this goal. It was the opinion of the Panel that showing practical application of these good practices will also illustrate how various products can be utilised.

### Landscaping

The proposed landscaping is essentially simple perimeter landscaping. However, the spaces provided are of a generous width and could be developed to provide areas of interest that could be more than just a buffer zone between the building and the street. Consideration should be given to incorporating detention ponds and creek beds with associated planting. Providing display gardens that demonstrate the current planting range sold by Bunnings should also be considered.

### Cafe

The inclusion of a café within the development is strongly encouraged. It is suggested that the café could be located either addressing the street forecourt to help activate the street or within the top floor garden area to take advantage of the sunny outlook over the rooftop garden area.

### Comment

It was appreciated by the Panel that the company acknowledges that the redevelopment of this store provides the opportunity to establish a new benchmark for retailers of this kind. Without eroding the established characteristics of these outlets,

there is considerable potential to show how the imaginative use of materials can produce a development that goes well beyond the big box format. The building can be exciting and interesting, which will present an image of hardware purchasing and home improvement as being a worthwhile and enjoyable activity. In this way it will express the move from the traditional hardware store that reflected hard manual work and exhibit a new embracing of these outlets and their products. It would be unfortunate if this potential was not realised.

**Recommendation/Conclusion:**

The proposed building is designed in a defensive manner that turns it back on the street and provides no pedestrian point of entry. Development of the proposed building to provide a pedestrian point of entry and a strong connection between the proposed Bunnings warehouse and the rest of the retail centre is considered essential to the success of this proposal. Further development of the landscape areas and environmental initiatives is also recommended.

Colleen Baker  
ARAP Coordinator

29 April 2010



Carolyn Howell - 9710 0841  
File Ref: PAD10/0105

18 November 2010

130101221122222302120301233020311013

John R Brogan & Associates Pty Ltd  
Level 7, 37 Pitt Street  
SYDNEY NSW 2000

Dear Sir/Madam

## Pre-Application Discussion No. PAD10/0105

**Proposal: Demolish the existing building and redevelop a new Bunnings Warehouse complex, including basement car park and external signage**

**Property: 31-35 Willarong Road Caringbah**

I refer to the pre-application discussion held on 11 November 2010 regarding the above premises. The following is a summary of the matters addressed at the meeting. The contents of this letter do not bind Council to granting consent for the proposed development if and when an application is made for such a proposal.

### Description of Site and Proposal:

The site is located within Zone 11 – Employment under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The site is located within the area where bulky goods premises are permissible. The site is bounded to the north, south and west by Koonya Circuit and to the east by Willarong Road. The site area is approximately 1.46 hectares.

Currently on the site is a single level “Bunnings Warehouse” with on-ground car parking for 151 vehicles. Vehicular access to the site is from Koonya Circuit. The current development has little physical presence as viewed from Willarong Rd given that there is a thick band of vegetation provided along the eastern boundary.

To the north and south of the site are industrial/warehouse units predominately used as bulky goods premises. To the west of the site are two (2) food shops. Further to the west is Taren Point Road. To the east are residential dwellings.

The proposal is for the demolition of the existing development and the construction of a new two (2) storey “Bunnings Warehouse” with two levels of basement car parking. The proposal includes a total retail area of 14 875m<sup>2</sup> and car parking for 500 cars. The main vehicular access point into the site will be from the northern side of Koonya Circuit, with an entry for timber, trade sales and delivery vehicles from the southern

portion of Koonya Circuit. The main vehicular exit point is onto the southern portion of Koonya Circuit with the exit for timber, trade and delivery vehicles to the northern portion of Koonya Circuit.

Pedestrian access is provided at the north western corner, the south western corner and the western frontage. The main pedestrian entry point is provided off the southern leg of Koonya Circuit.

Comments on the Proposal:

Floor Space Ratio

SSLEP 2006 sets a maximum floor space ratio of 1:1 for this site. It is unclear from the documentation presented and the discussion during the meeting if the proposal complies with this development standard.

Careful assessment of the proposal in accordance with the definition of 'gross floor area' within SSLEP 2006 should be undertaken and detailed calculations provided to Council as a part of the future development application.

In particular, the 'outdoor nursery' and 'bagged goods canopy' areas are enclosed by walls that are in excess of 1.4m in height and are mostly roofed over. These areas would most likely be assessed as part of the gross floor area as they contribute to the intensity of the retail activity. Excess car parking would also need to be included.

Council would expect compliance with this development standard, however, should a variation be sought it must be accompanied by an objection pursuant to the requirements of State Environmental Planning Policy No.1 – Development Standards.

Landscaped Area

SSLEP 2006 requires that a minimum landscaped area of 10% of the site area be provided. It is unclear from the documentation presented whether or not the proposal complies with this development standard.

Careful assessment of the proposal in accordance with the definition of 'landscaped area' contained within SSLEP 2006 should be undertaken and detailed calculations provided to Council as a part of the future development application.

Council would expect compliance with this development standard, however, should a variation be sought it shall be accompanied by an objection pursuant to the requirements of State Environmental Planning Policy No.1 – Development Standards.

Height

SSLEP 2006 provides a maximum building height of 12m. The proposed development is in excess of this height. From the documentation presented the extent of the non-compliance is unclear, although by scaling the overall building height would appear to be up to 14m in height.

Council's preference is for a development proposal that complies with the development standard. Council may consider a minor variation to the development standard where it can be demonstrated that it is operationally necessary and results in minimal adverse impacts on surrounding properties and public places. Careful consideration should be given to the visual impact of any additional height on nearby residential properties to the east. It is difficult to undertake a thorough assessment without detailed plans.

Should the future development application seek a variation to the height control the application must be accompanied by an objection pursuant to the requirements of State Environmental Planning Policy No.1 – Development Standards. As is the case with seeking any variation to a development standard, an applicant must demonstrate that numerical compliance is unreasonable and unnecessary in the circumstances of the case and that the objectives for the particular control have been met.

#### Traffic

Pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the proposed development is traffic generating development and must be forwarded to the RTA for comment. A traffic report will need to accompany the development application.

The report needs to examine the ability of the immediate streets to accommodate the proposed volumes of car traffic and to provide for service vehicles to access the site. The capacity and service level of the roundabout adjacent the site and the service level of nearby traffic signals that provide access to the site from main roads are also a matters requiring investigation.

#### Parking

Sutherland Shire Development Control Plan 2006 (SSDCP 2006), clause 7.1.b.1.8, requires car parking for traffic generating development to be provided at the rate stipulated in the *RTA Guide to Traffic Generating Development*. Your application must demonstrate compliance with this control.

Motorcycle and bicycle parking must also be provided in accordance with the provisions of SSDCP 2006.

#### Setbacks

SSDCP 2006 requires a minimum setback of 9m to Willarong Road and 3m to Koonya Circuit. It is noted that the proposal exceeds these minimum setback requirements.

Generous setbacks would seem necessary to ensure compliance with the landscaped area development standard and an appropriate contextual fit. These will assist in softening the considerable scale and bulk of the building.

### Access

The application must demonstrate compliance with the section 16 of Chapter 3 of SSDCP 2006 in relation to accessibility. Given the scale of the development Council would expect that the application would be accompanied by an access report, prepared by a suitably qualified access consultant, demonstrating compliance with the relevant Australian Standards and Section D of the BCA.

### Flooding

Part of the site is mapped as "Initial Assessment Potential Flood Risk" and therefore the provisions of Section 4, Chapter 5 of SSDCP 2006 apply. It should be noted that Council has engaged Brewsher Consulting to undertake the *Gwawley Bay Catchment Flood Study* and that this project is nearing completion. The finalisation of this study may affect the extent of the 1% AEP line currently indicated through the western portion of the property.

### Relationship with the Street

Section 11, Chapter 3 of SSDCP 2006, relates to streetscape and building form and will need to be addressed as a part of the development application. The inclusion of a more prominent main entry and other glazed features is a positive step in ensuring that the building engages with its surrounding and it not completely internalised.

The internal vehicle connection between the southern exit ramp and the goods pick-up area has potential to create pedestrian/vehicle conflict near the main entry. If this arrangement is retained, there will need to be clear detail provided showing how the physical treatment of this area will assist in managing this issue.

### Architectural Review Advisory Panel (ARAP)

It is noted that you presented a similar proposal to Council's ARAP on 15 April 2010. The scheme presented at our meeting incorporates adjustments that reflect the comments of the Panel. Further detail that demonstrates how the bulk and height of the development will be minimised in its locality shall be lodged with the future development application.

### Joint Regional Planning Panel

Given that the estimated capital expenditure will be in excess of \$10 million, the application will be determined the Sydney East Joint Regional Planning Panel (JRPP) according to the provisions of Part 3 of State Environmental Planning Policy (Major Development) 2005. The development application should be lodged with Council in the usual manner and will be assessed and reported to the JRPP by Council officers.

### Environmental Initiatives / Sustainability Display

Council would encourage the incorporation of an environmental initiatives and sustainability displays within the completed development. Such a display would provide community education as well as showcasing "green" products. In this regard you may wish to speak to Justin Sauvage from Council's Environmental Science Unit on 9710 0820.

Greater use of natural light, especially to penetrate the lower retain level, would be a positive initiative.

Section 94A

The proposed development would be subject to the provisions of Councils applicable contributions plan being *Section 94A Developer Contributions Plan Land within the Employment Zone*. This plan applies a 1% levy for works in excess of \$200,000.

Number of Copies of Documentation

Council requires eight (8) of all documentation and two (2) discs containing copies of all documentation. A set of the plans at A3 size is also required for referral to Council's ARAP.

Conclusion:

The above information is based on a meeting with Carolyn Howell, Chris Greig, Peter Brooker, Michael Duffy, and Bruce Powe on 11 November 2010 and the details presented in that discussion.

There have been a number of positive amendments to the proposal since the scheme was first discussed. There appears to be a number of potential numerical non-compliances, although it is difficult to determine the extent of these or make comment in relation to them given the level of information currently available. The comments above identify these matters and other areas where the scheme would benefit from design development.

The information provided is in accordance with the environmental planning instruments, development control plans and codes that were current at the time of the meeting. It is the applicant's responsibility to check whether there have been any amendments, repeals or alternatively if any new instruments or policies have been adopted by the date of lodgement of the development application.

Should you consider the information to be inaccurate, it is the applicant's responsibility to contact Council for further clarification. Council reserves the right to request further information during the assessment of the development, should such information be considered necessary for assessment purposes.

Further, your attention is drawn to the requirement for you to ensure that you have made application for any Public Place Enquiry applications PRIOR to lodgement of your Development Application. Failure to obtain these approvals (where necessary) will delay the acceptance of your Development Application. Information regarding the Public Place Enquiry applications can be obtained from Council's Roadways Management Branch on 9710 0357 during normal business hours.

Prior to preparing a development application you are advised to refer to Council's "DA Guide" and other information provided regarding submission requirements. Council's Development Enquiry Officers are also available to assist. Incomplete applications will not be accepted and will result in delays.

It is hoped that this information is of assistance to you in the preparation of your development application. Should you require additional information please do not hesitate in contacting Carolyn Howell during normal business hours on 9710 0841.

Yours faithfully

Peter Barber  
Manager – Coastal Environmental Assessment Team  
for J W Rayner  
General Manager

## Appendix C

		Issues
24 Willarong Road, Caringbah	24 January 2011	<ul style="list-style-type: none"> <li>- height</li> <li>- concern with current operations, including traffic, truck operations, noise</li> <li>- tree removal</li> <li>- use of Koonya Circuit as a race track</li> </ul>
10 Willarong Road, Caringbah	24 January 2011	<ul style="list-style-type: none"> <li>- height</li> <li>- FSR</li> <li>- traffic, car &amp; truck parking</li> <li>- concern with current operations, including truck operations, noise</li> <li>- noise</li> <li>- adverse impact on residential amenity</li> <li>- increased on street car parking by staff</li> <li>- potential adverse impact on local businesses</li> <li>- timing of application (over holiday period)</li> <li>- Kirrawee Bunnings sufficient to cater for needs of the area</li> </ul>
28 Willarong Road, Caringbah	25 January 2011	<ul style="list-style-type: none"> <li>- concern with current operations, including traffic, truck operations, noise</li> <li>- impact on property values</li> <li>- height</li> <li>- FSR</li> </ul>
20 Willarong Road Caringbah	25 January 2011	<ul style="list-style-type: none"> <li>- Impact on lighting &amp; natural sunshine</li> <li>- increased traffic, trade &amp; truck movements</li> <li>- safety issues surrounding the basement</li> <li>- noise</li> <li>- light spillage</li> <li>- continuation of late night trading</li> <li>- pollution</li> <li>- impact on vegetation</li> <li>- Kirrawee Bunnings sufficient to cater for needs of the area</li> </ul>
74 Willarong Road Caringbah	25 January 2011	<ul style="list-style-type: none"> <li>- impact of construction</li> <li>- traffic</li> <li>- impact on property values</li> <li>- Kirrawee Bunnings sufficient to cater for needs of the area</li> </ul>
32 Willarong Road Caringbah	25 January 2011	<ul style="list-style-type: none"> <li>- impact of construction , potential property damage, hours of work, noise, dust</li> <li>- concern with current operations, including traffic, truck operations, noise, illegal parking, light spillage</li> <li>- location of plant equipment</li> </ul>

		<ul style="list-style-type: none"> <li>- impact on property values</li> <li>- reduced sense of open space</li> <li>- shadow impact</li> <li>- intensification of existing problems</li> <li>- signage, visual pollution, tree removal to accommodate signage</li> <li>- continuation of existing hours of operation with increased impacts</li> </ul>
34 Willarong Road, Caringbah	24 January 2011	<ul style="list-style-type: none"> <li>- concern with current operations, including traffic, truck operations, noise, illegal parking, garbage, trolleys, light spillage</li> <li>- intensification of existing problems</li> <li>- impact on property values</li> <li>- FSR</li> <li>- height</li> <li>- reduced sense of open space</li> <li>- shadow impact</li> <li>- Koonya Circuit not wide enough to cater for trucks</li> <li>- signage, visual pollution, tree removal to accommodate signage</li> <li>- continuation of existing hours of operation with increased impacts</li> </ul>
Australia Post Level 4, 219-241 Cleveland Street Strawberry Hills 2012	24 December 2010	<ul style="list-style-type: none"> <li>- concern about impact of the construction process on Australia Posts operations. Including noise, dust, traffic management, waste management, dust to letter sorting machines,</li> </ul>
Petition containing 21 signatures	25 January 2011	<ul style="list-style-type: none"> <li>- compound existing problems, parking, traffic, noise, light spillage</li> <li>- height</li> <li>- FSR</li> <li>- reduced sense of open space</li> <li>- increased shadow</li> <li>- signage, visual pollution, tree removal to accommodate signage</li> <li>- continuation of existing hours of operation with increased impacts</li> </ul>
16 Willarong Road Caringbah NSW	25 January 2011	<ul style="list-style-type: none"> <li>- concern about traffic, on-street parking, trucks</li> <li>- height</li> <li>- FSR</li> <li>- size of use not appropriate adjacent to residential area</li> <li>- noise, plant equipment, forklifts</li> <li>- lighting</li> <li>- tree loss</li> <li>- impact on property values</li> </ul>
BB Retail Capital P/L & Caringbah Homemaker Centre Pty Ltd Level 14, 71 Macquarie	3 February 2011	<ul style="list-style-type: none"> <li>- Supports the proposal</li> </ul>



Street, Sydney NSW 2000		
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Your Reference:  
Our Reference:  
Contact:  
Telephone:

DA10/1317  
RDC 10M2579 - SYD 11/0003  
Ravi Raveendra  
8849 2540

**SRDAC**

**SYDNEY  
REGIONAL  
DEVELOPMENT  
ADVISORY  
COMMITTEE**

The General Manager  
Sutherland Shire Council  
Locked Bag 17  
SUTHERLAND NSW 1499

Attention: Carolyn Howell

**PROPOSED BUNNINGS WAREHOUSE AT 31-35 WILLARONG ROAD,  
CARINGBAH**

Dear Sir/Madam,

I refer to the Department of Planning's (DoP) letter dated 22 February 2010 (DoP Ref: R97/00029) with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

Below are the Committee's recommendations and RTA's comments on the subject application:

1. Driveways should be designed and constructed to Council's satisfaction and all vehicles are to enter and exit the site in a forward direction.
2. Any redundant driveways must be removed and replaced with kerb and gutter to match with existing alignment.
3. Ramp grades for basement carpark is not clear on the submitted plans. The layout of the proposed parking areas associated with the proposed development (including driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
4. All vehicles are to enter and leave the site in a forward direction.
5. All construction vehicles are to be contained wholly within the site.
6. All works associated with the proposed development shall be at no cost to the RTA.

Roads and Traffic Authority  
ABN 64 480 155 255



27-31 Argyle Street,  
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124  
DX 28555 Parramatta

T 131 782

[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)

In accordance with Clause 104(4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any inquiries in relation to this matter can be directed to Ravi Ravendra, on telephone (02) 8849 2540 or facsimile (02) 8849 2918.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'O. Hudgson', written in a cursive style.

Owen Hudgson  
Chairman, Sydney Regional Development Advisory Committee

12 January 2011

## Architectural Review Advisory Panel

Proposal:

**Demolition of Existing Warehouse and Construction of a New Bulky Goods Retail Warehouse Including Outdoor Nursery, Timber Trade Area, Car Parking and Eight (8) Advertising Signs**

Property:

**31-35 Willarong Road CARINGBAH NSW 2229**

Applicant:

**John R Brogan & Associates Pty Ltd**

File Number:

**DA10/1317**

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The following is the report of the Architectural Review Advisory Panel Meeting held on 20 January 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **"5. Consideration of Development Application No. 10/1317 – Warehouse Redevelopment (Bunnings) at 31-35 Willarong Road, Caringbah**

Council's David Jarvis and Carolyn Howell outlined the proposal, including providing details of Council's relevant codes and policies.

Rob Orr and Christian Kublins addressed the Panel regarding further development of the proposal and how they have addressed the concerns raised by the Panel at the previous meeting. It was explained that the proposal will not be as illustrated on the submitted plans. Documentation was provided which showed how the quality of the building is to be improved.

The proposal consists of the demolition of the existing single storey Bunnings warehouse and construction of a new (2) storey Bunnings warehouse with basement car parking.

The demand for a larger store with a greater variety of products in the store's current location has been identified by the applicant. To accommodate a new Bunnings warehouse, the applicant has reconsidered the more typical Bunnings layout which consists of a large single storey building with on grade parking and chosen to develop a more urban two storey form that covers a larger proportion of the site with building. The more open car park area is removed because car parking is in the basement.

#### Context

The proposed store is located in a retail precinct surrounded by bulky goods outlets and fast food restaurants. The concept of filling the site with a two (2) storey built form and providing perimeter landscaping will form a more urban edge to the existing retail precinct. This context is very different to that of a typical Bunnings warehouse. The treatment of the building and landscaping must respond to the surrounding context.

Immediately to the east is a residential neighbourhood. There is a long standing relationship between the industrial and residential precincts. Nevertheless the proposed development must respect its neighbours.

Paths that connect the entry points of the building with other premises in the existing retail precinct should be created around the building. Entry points into the building should be exploited to create a stronger visual connection between the store and the retail precinct.

#### Scale/Built Form

The proposed building is large and bulky. There are other similar warehouse style buildings in the vicinity. Some of the higher quality retailers have modified this warehouse style. However, it is of a form and scale that is understandable and acceptable in its context.

#### Density

The proposed density of the development is acceptable in its context.

#### Resource, Energy and Water

The applicant's commitment to the environmental performance of the building, as explained to the Panel, is commendable. However, it could be further improved by maintaining more existing trees. It is also suggested that consideration be given to reusing some of the existing building materials in the construction of the new store.

Should approval be granted, conditions should stipulate that these environmental measures are delivered.

#### Landscape

The current proposal provides a very linear corridor of grass and this requires the removal of a significant number of trees. A large number of flowering plants have also been incorporated. This approach results in a very suburban design that does not respond to the existing situation or the more urban context of the site.

This concept is not considered acceptable. Over the period since the existing development was constructed the existing vegetation has grown to become the best attribute of the site. Retaining and augmenting this vegetation should be a priority. When the wind blows off the Bay the Casuarina trees provide another audible layer of experience which should be valued.

The previously discussed opportunity for an urban forest edge to the new building has not been realised. Substantial existing trees should be maintained and augmented with meandering paths that connect building entrances.

Where the building is constructed of industrial type materials the vegetation can be the dominant visual element. For example, the basement car park is enclosed by chain wire fencing. Planting in front of the fence will not diminish the security of the fence but will enhance the visual appearance.

Again, the Panel wishes to highlight the potential for the development to illustrate how the products in the store can be used. Applying water sensitive urban design principles will

showcase various plumbing and stormwater management products. Using plants grown in the nursery can evidence good planting design and horticultural practices. External lighting will allow customers to assess the merits of products. With careful design there are numerous other opportunities to improve the performance of the development in a commercially beneficial manner.

### Amenity

The only pedestrian entry connecting the store directly to the street is located on the southern side of the building. The documents provided show this entry as a single set of sliding doors. The doors are not connected to any pedestrian path system that links the main entry of the store to the retail precinct. The current proposal does not encourage the use of this entrance or contribute to the quality of the urban edge that is created by the store. It is not evident that there is an appropriate and prominent area near this entrance for the popular Bunnings weekend charity sausage sizzle to occur. Inclusion of such an area for this function would be encouraged by the panel.

It is recommended that the southern entry be connected to a pedestrian path. The extent of glazing provided to the entry should also be significantly increased to allow a stronger visual connection between the store and the street.

Note: The applicant tabled drawings at the meeting outlining his intent to introduce glazing to the entrance of the building. The intent to introduce glazing in these locations is commendable, however the extent of the glazing is unclear as is its success in improving the urban edge of the proposal. The extent of glazing adjacent to both entries must be clearly documented.

### Safety and Security

The proposed path on the western side of the building is approximately 1.5m below street level and located hard up against the chain wire fence of the car park. The quality of the space created and the safety of this space outside store operating hours is a concern. Consideration should be given to using a higher quality material for the car park fence as well as providing paths that are set within the landscaping closer to street level. This will provide a safer environment that relates more appropriately to the surrounding retail precinct. Consideration should also be given to the appropriate use of non-glare lighting to paths and entrances.

The crossing points located on the western corners of Koonya Circuit raise concerns regarding the safety of pedestrians. It is considered that the advice of a traffic engineer is necessary.

### Social Dimension

The store is appropriately located and will potentially contribute to the success of the existing retail precinct if the urban edges of the proposal are appropriately treated. It would be improved by a landscaped forecourt / meeting place / sausage sizzle, at the pedestrian entry to the building.

### Aesthetics

The aesthetics of the building are considered reasonable for this type of building. It is accepted that warehouse style buildings such as this contribute to the image of the

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company and provide a practical solution given the range of products. However, further development and detailed information of glazed treatments to entrances are required.

**Recommendation/Conclusion:**

The proposal is appropriately located and of an acceptable bulk and scale. However, further development of the urban edge of the proposal is required if the building is to relate successfully to the existing retail precinct.

Further development of entries should allow more visual connection to the existing retail precinct. Paths and a forecourt should be developed to provide a stronger connection between the entrances and the retail precinct and an alternative landscape concept should be developed to provide a more urban response. The removal of a large number of existing trees is not supported because they are the site's best asset and will be necessary to moderate the increased bulk of the building."

Colleen Baker  
ARAP Coordinator

02 February 2011

## ATTACHMENT F

### SEPP I OBJECTION TO CLAUSES 33(11) AND 33(12) OF SSLEP 2006\*

Prepared by

Colston Budd Hunt & Kafes

- \* Note: Amended January 2011 to also include SEPP I Objection to Clause 33(12) for land 'adjoining' the Local Housing (4) Zone.



## STATE ENVIRONMENTAL PLANNING POLICY NO. 1 OBJECTION – DEVELOPMENT STANDARDS

### A. Context

The purpose of State Environmental Planning Policy No. 1 is to enable Councils to vary the statutory development standards such as floor space ratio, building height, site access or the like, in considering development applications which do not strictly comply with one or more of those statutory standards. The applicant must lodge a formal objection to the development standard(s) in question before the consent authority may grant its consent to the application on the basis that *"compliance with that development standard is unreasonable and unnecessary in the circumstances of the case, and specifying the grounds of that objection."* (Clause 6 of the SEPP).

The development standard in question here is the 12 metre building height found at Clause 33(11) of the Sutherland Instrument, and arguably also, the 9 metre height found in Clause 33(12), although the latter SEPP 1 Objection is lodged without prejudice to the applicant's belief that it does not in fact apply to the circumstances of this DA.

The particular Sections of the Act referred to in SEPP 1 as a matter to be taken into account in the application of SEPP 1, state that:-

*"The objects of this Act are -*

*(a) to encourage -*

- (i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land;"*

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**Statement of environmental Effects**

Proposed Bunnings Expansion  
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Consent may be granted if the consent authority (with the Director's concurrence delegated to Councils) is satisfied that the departure from the development standard raises no matter of State or Regional planning significance and causes no public disbenefit (Clause 8 of the SEPP).

The application and interpretation of SEPP I have been considered many times by the Land and Environment Court and the NSW Court of Appeal. A test typically applied is whether the variation of a development standard satisfies the planning objectives considered to underlie the development standard in question.

The relevant questions under SEPP I can thus be summarised as follows:

- i) *Is the standard in question a development standard within the terms of the Act? (Cl. 3)*
- ii) *Is compliance with the standard unreasonable or unnecessary in the circumstances of the particular development application? (Cl. 3)*
- iii) *Does granting of the SEPP I objection and variation of the development standard in question satisfy the underlying planning objective behind that development standard? (inferred from case law)*
- iv) *Is the granting of consent consistent with the aims of this State policy? (Cl. 7) and does it raise any matter of planning policy? (Cl. 8)*

The degree of variation of a development standard is not the determining consideration. The SEPP I Objection may be upheld by Council or the Court if the tests outlined above are seen to be satisfied. For example, to quote the Law Book Company's Planning and Development Service (4030):-



*"...There is no mention of the words "major" or "minor" in the SEPP No. 1. What the council, and hence the court, has to consider is whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The purpose of the policy is to provide flexibility in the application of planning controls to give effect to the objects specified in ss 5(a)(i) and (ii) of the Act which include the "orderly and economic use and development of land" (Michel-Projects Pty Ltd v Randwick MC (1982) 46 LGRA 410). Nor does a departure from a development standard which may not be, on the facts, "to a minor extent" as permitted under a local environmental plan, such a circumstance as to preclude the application of SEPP No. 1".*

Accordingly, it is clear that Council has the necessary power under SEPP I to approve the application under the planning controls as they currently stand.

## **B. The Development Standards in Question**

This report seeks consent by way of formal objection under SEPP I to the following development standards contained in Sutherland Shire Local Environmental Plan 2006.

- building height of 12 metres in zone 11 Employment zones (Clause 33(11) of the LEP);
- building height of 9 metres on land adjoining the Local Housing (4) zone (Clause 33(12) of the LEP). – *[This is a without prejudice SEPP I as the two zoned parcels do not physically adjoin – see discussion of applicability in Section 1 of this document.]*

The first SEPP I question, i.e. whether the planning control in question is a development standard for the purposes of the Act, is answered in the affirmative, as the building height control is clearly a ...*"provision by which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards (listed thereunder to include building height)"* (definition is from Section 4(1) of the Act).

It is concluded that the consent authority's relaxation can therefore be sought for this DA, under the provisions of SEPP I.



### **C. Procedure for Justifying SEPP I Objection**

The procedure developed for establishing whether a SEPP I Objection to a development standard is well-founded and thus should be upheld by the consent authority, involves the following tests:-

- *What are the planning objectives underlying the development standard(s) sought to be relaxed, and does the development still satisfy those objectives, notwithstanding the variation sought?*
- *Would enforced compliance with the standard(s) be unreasonable or unnecessary under the circumstances?*
- *Would granting of development consent raise any matter of State or regional planning significance or be inconsistent with the aims of SEPP I?*

Discussion follows of the 12 metre building height development standard, in turn adopting the order of listing in the three dot points above.

### **D. Firstly, the 12 Metre Standard and how it is exceeded**

Clause 33(11) of the LEP provides a general building height control of 12 metres for buildings on land in Zone 11 Employment as this DA site is. As shown in the architect's CAD-produced representation of that 12 metre building height plane (BHP) found in A3 format at Attachments A to D at the rear of this Objection, (as measured above surveyed existing ground level) the great majority of the proposed building falls beneath that 12 metre height plane. Part of the central roof and western sails elements of the proposed building marginally do not comply however, due to the need to accommodate a part second level of trading floor (see author's delineation at Attachment D).

It is to be noted that the latest amended DA drawings introduce a number of changes to height, including to pull back the proposed outdoor nursery and associated fabric sails back to a distance of 22.5 metres from Koonya Circuit West, while remaining at a generous

23.5 metres from Koonya Circuit North and Koonya Circuit South. None of these three frontages raises any sensitive interface issues, while the fourth frontage to Willarong residences opposite the site comfortably complies with the building height plane by a large margin. Further, the extent of screening vegetation around the site is considerable as seen at Photographs 1 to 3 following, and DA building setbacks to Koonya Circuit South and North will be significantly greater than today, and significantly greater than required by the Council controls, as illustrated.

As shown on the attached BHP drawings and our cross-hatched representation of those parts of the sails and roof that exceed the 12 metre, shown on plan at Attachment D, it can be seen that:-

- the two areas of exceedance are internal to the site boundaries and well removed from site frontages;
- they constitute only c.20 per cent of the site, the balance of the site being compliant;
- they are minor, at 1.7 metres or less (and variable) in the case of the sails, and typically less than one metre otherwise;
- the areas of BHP exceedance are internal roof elements obscured from view by complying elements sited closer to the boundaries, by perimeter landscaping, and in most cases, by both;
- the sails might be visible to external view but are well removed from vantage points and would not be seen at all if the building design had sought to locate a structure of 12 metres at the Council setback;
- further, the fabric sails themselves are not a hard built form edge, they are translucent and highly variegated in their form, and will be only able to be glimpsed in part through the setback plantings.

## **E. Planning Objectives of Height Control, Clause 33 of SSLEP 2006**

The LEP notes the following objectives for the building height control relevant to this development application (Clause 33(2)):-

### **“(2) Objectives**

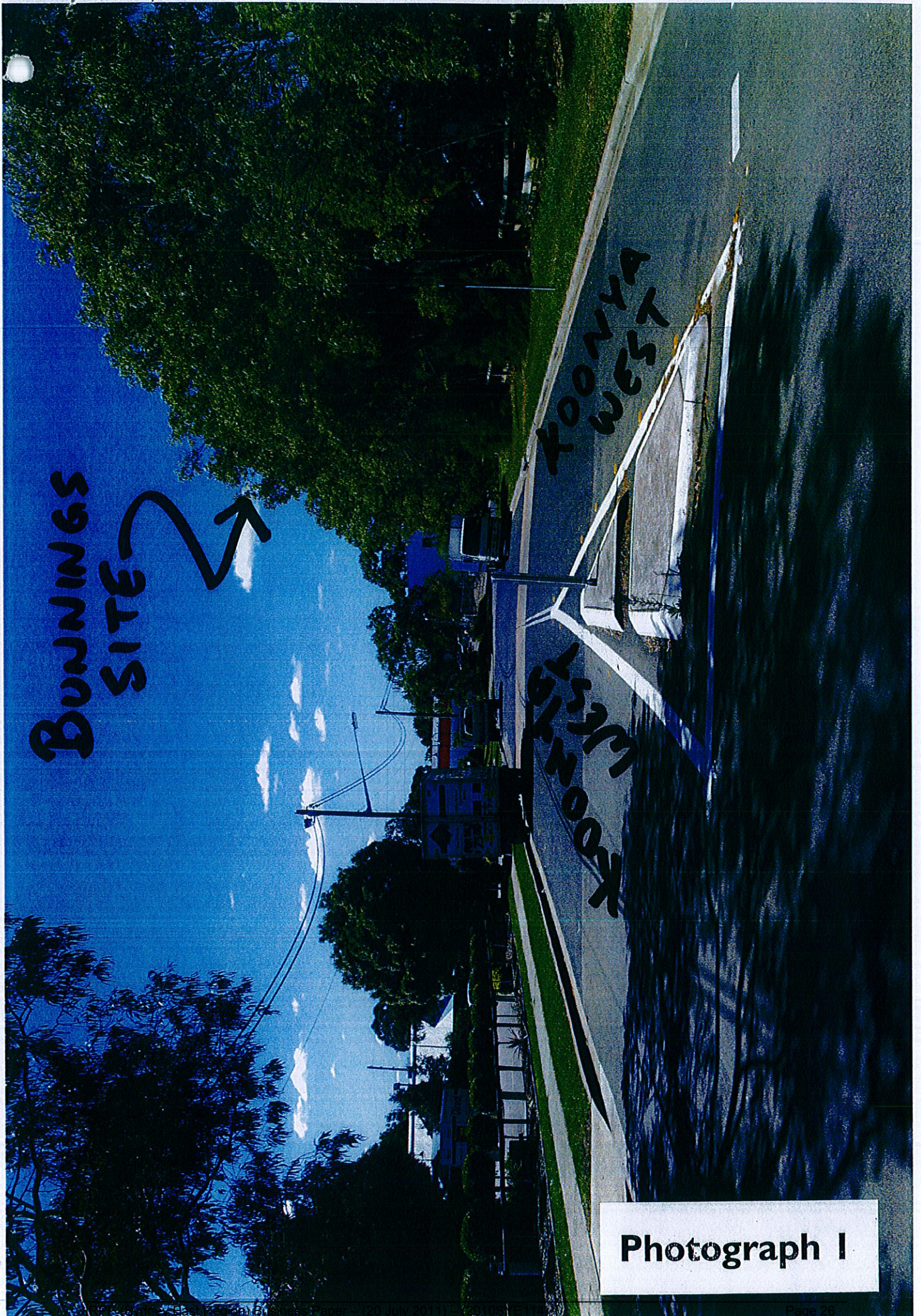
*The objectives of this clause are as follows:*

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#### **Statement of environmental Effects**

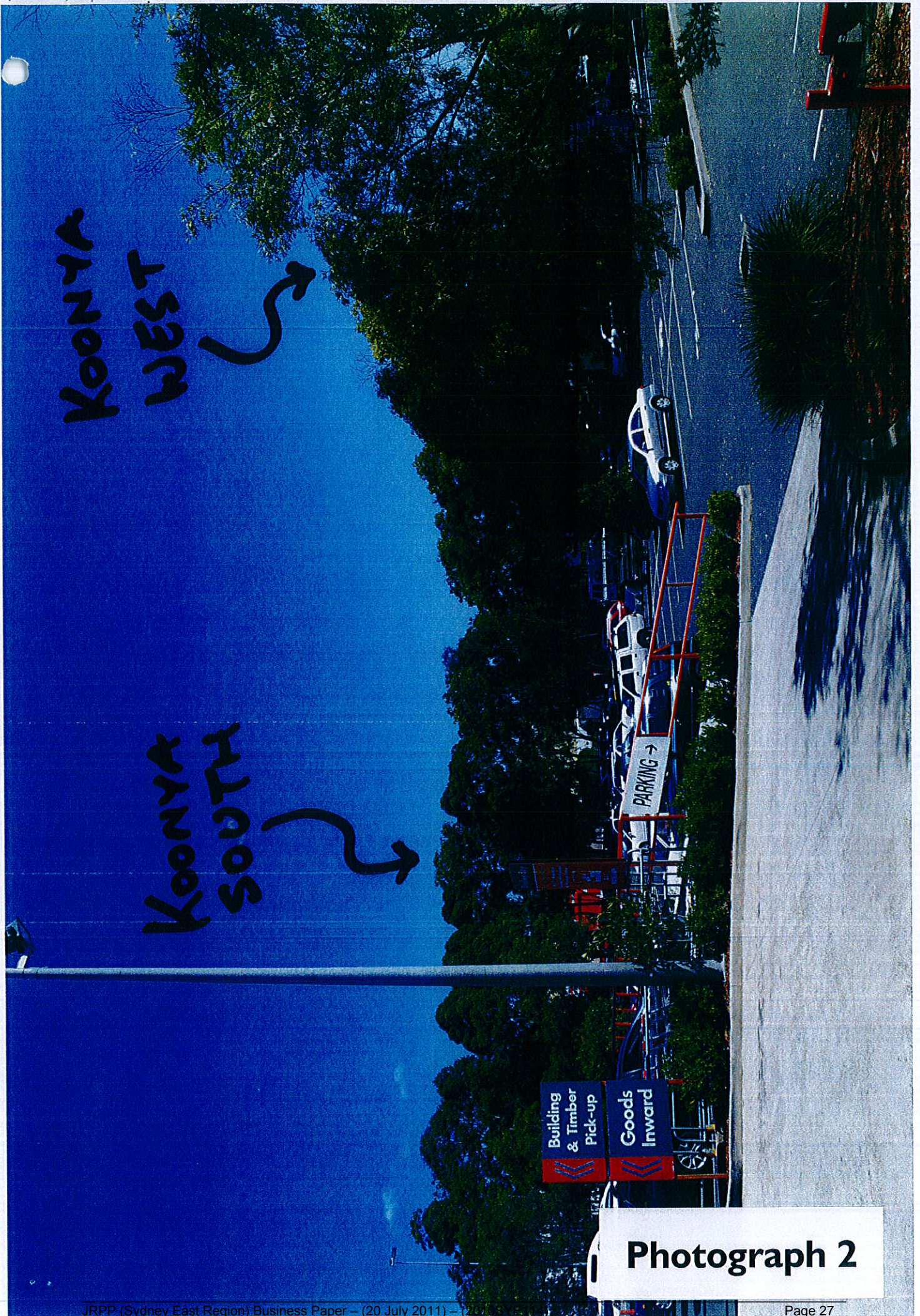
Proposed Bunnings Expansion  
Koonya Circuit Caringbah





Photograph I





**Photograph 2**





**Photograph 3**



- (a) *to ensure the scale of buildings:*
    - (i) *is consistent with the desired scale and character of the street and locality in which the buildings are located, and*
    - (ii) *complements any natural landscape setting of the buildings,*
  - (b) *to allow reasonable daylight access to all buildings and the public domain,*
  - (c) *to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*
  - (d) *to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*
  - (e) *to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones.*
- (3) *The consent authority must not consent to development for the purpose of a building unless it has considered the objectives of this clause."*

## **F. Are the Objectives Still Satisfied?**

The two design objectives driving the architectural solution worked up by the architects were to devise a building form which was (a) of appropriate height in its contextual relationship with its adjacent buildings and (b) appropriate to its street addresses, specifically arranged in particular to avoid impacts on existing residential opposite the site in Willarong, and to be respectful of its three non-residential interfaces. As discussed earlier in this report, the building height responds appropriately to its context, steps down the site as required, is generously set back from all frontages, and is less than other existing building heights in the locality. Similarly, existing views in the locality, such as they are, have been preserved, and privacy is respected.

The proposed modelling of the built form is an important factor mitigating against any undue impacts arising from the 12 metre exceedance, which only occurs in a 15% minority of the site, as discussed earlier under E. As noted, the proposed building is well



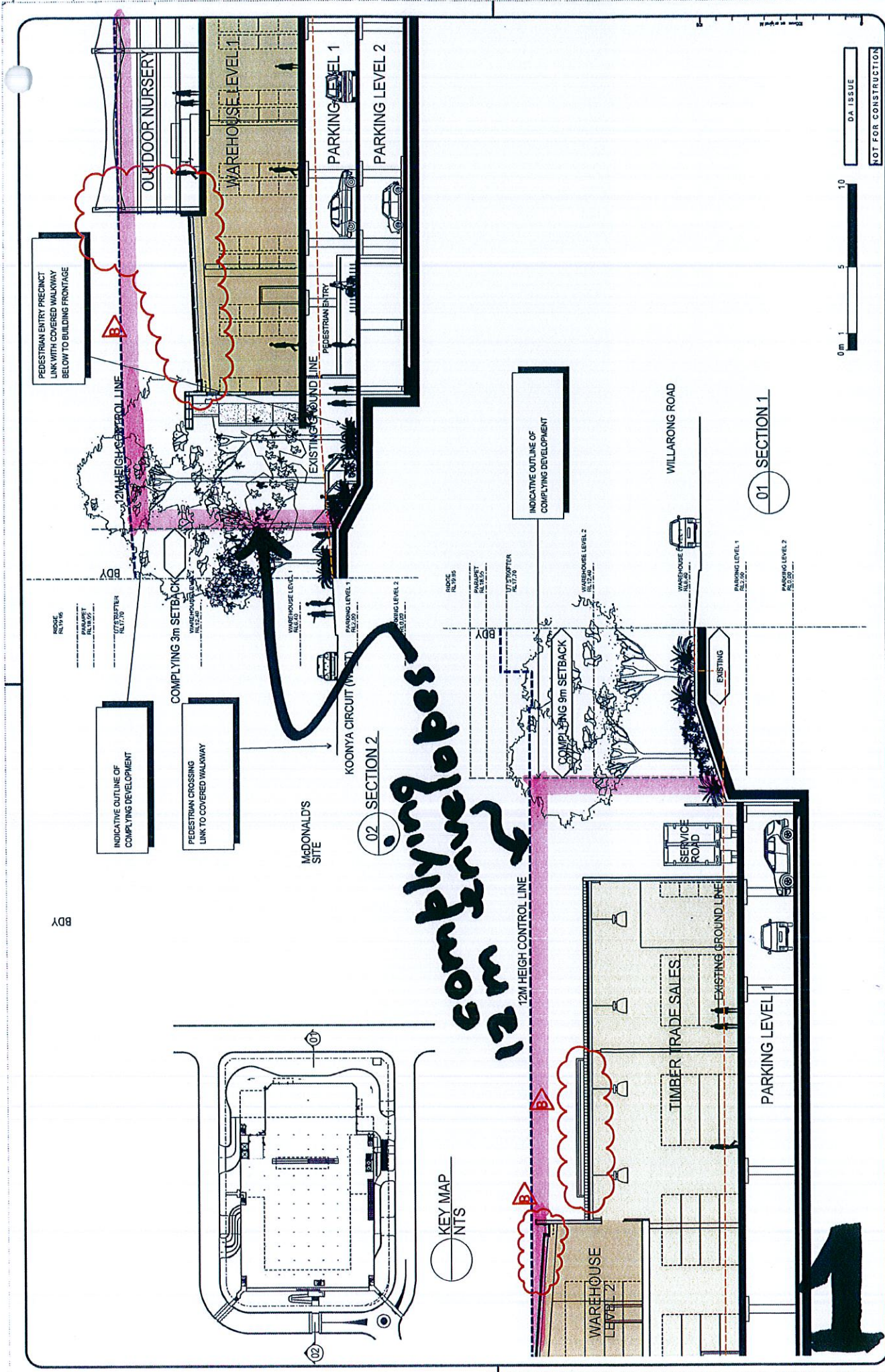
set back from the four site frontages with generous landscaped building setbacks, particularly so in the case of the eastern frontage to Willarong Road, an important consideration for the residences opposite. The proposed building is then comfortably compliant with the height control for its initial elements towards the frontage, and then steps up to the second level retail trading floor. (The architect's sections overpage demonstrate the visual relationship to external view, illustrating how the proposed building will actually appear smaller from off-site vantage points than an alternate building built to the height and setback controls applicable here). The resultant height of structure is then a function of the finished floor level of the basement, which is set by ramp grades and headrooms, the necessary floor-to-floor dimensions to accommodate Bunnings' essential operational requirements (see #3.3 of SEE), and the structural dimensions to achieve the necessary spans.

## **G. Unreasonable or Unnecessary ?**

It is also to be noted that although such a building height development standard may be appropriate to a largely level site, it is poorly suited to a sloping site such as this, particularly for a large warehouse structure requiring large level floor areas as Bunnings does, high operational clearances in-store, and safe and serviceable ramp grades to basements, all of which generate the resultant building height in question. Furthermore, it is to be noted that the previous excavation of the existing site in order to achieve a level building pad for the present Bunnings store, has the effect of generally exaggerating any height non-compliance with the 12 metre control, due to the unusual wording of the 'ground level' definition which acknowledges the pre-excavation levels in the case of a commenced but not completed consent but does not acknowledge the post-development circumstances. It is noted that measuring EGL to excavated ground levels is not relevant to a proper measure of perceived building height. Under the circumstances, it is therefore considered that it would be both unreasonable and unnecessary to insist upon strict compliance with the 12 metre building height standard, and that the SEPP I objection is well-founded.

Further, it is particularly relevant that the parts of the building that do exceed the height plane are over a minority of the site, located such that they do not contribute to perceived





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PROJ. NO. 1002  
SCALE: 1:100  
DATE: APR 03  
Dwg. No. 125  
AUD. No. B

**PROPOSED REDEVELOPMENT  
EXISTING BUNNINGS WAREHOUSE KOONYA CT  
& WILLARONG ROAD, CARLINGBAH NSW**

**SECTION DETAIL**

**JOHN R. BROGAN & ASSOCIATES**  
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**BUNNINGS warehouse**

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building bulk, and significantly ameliorated by the generous building setbacks and soft landscape screening.

## H. State or Regional Planning Significance

The exceedance of the 12 metre height plane is minor, of little precedential significance, and with no significance for state or regional planning consequence.

In further respect of the SEPP 1 “unreasonable or unnecessary” test, it is also to be noted that the Zone 11 – Employment objectives discussed earlier in Chapter 5 of this SoEE, have been found to be well satisfied, which is another relevant consideration under SEPP 1, and the aims of the SEPP are also satisfied.

## I. Secondly, the 9 Metre Height Standard

Clause 33(12) of the Sutherland LEP 2006 provides as follows:-

*“(12) Despite subclause (11), a building on land in Zone 11- Employment that **adjoins** land in ... Zone 4 – Local Housing must not exceed a height of 9 metres, as measured vertically from ground level to the highest point of the roof”. (author’s emphasis).*

The land on Willarong Road opposite the DA site is zoned (4) Local Housing. It is separated from the DA site by the 20 metre road reservation, accordingly it does not literally “adjoin” the DA site, in which case the clause would not ordinarily be considered to have statutory application to the current circumstances. However, the NSW Court of Appeal in Hornsby Council-v-Malcolm found in its December 1986 judgement that the word “adjoins” could mean “close physical proximity, depending upon the context”. In that particular case, the physical separation was not dissimilar to the current case, but the statutory provision was a beneficial one, facilitating the permissibility of SEPP 5 aged housing on land adjoining urban zoning at a broader urban planning level rather than in terms of site-specific interface impacts as is the purpose in the current case.

There is therefore a clear distinction between the broad urban emphasis of the relevant SEPP5 provision, and the zone-specific restriction sought to be imposed by Clause 33(12)



of the SSLEP 2006. Accordingly there is considerable doubt in the mind of the author whether the Hornsby-v-Malcolm interpretation of 'adjoining' in relation to a SEPP 5 matter, would in fact also apply in the quite different context of Clause 33(12).

Nevertheless, for the sake of prudence, and without prejudice to the author's doubts as to the applicability of the 9 metre development standard here, the following SEPP I discussion adopts the assumption that the DA site does in fact "*adjoin*" the (4) Local Housing zone, and therefore that Clause 33(12) does apply to this DA.

## **J. Exceedance of the 9 Metre Height Standard**

Figure 3 within this SEPP I Objection illustrates the relevant physical relationship between the height of the proposed building and the Local Housing zoned land across Willarong Road. In particular, Figure 3 depicts the proposed building massing in the context of an alternative 9 metre height complying envelope set back a complying 9 metres horizontally from the Willarong Road frontage.

That illustration clearly shows that the proposed building sits well below the 9 metre height line for the first 36 metres from the Willarong frontage, at which point the building rises to just over 12 metres to accommodate the upper warehouse part-floor. Figure 3 also illustrates that a 9 metre compliant envelope would be visually larger than the DA proposal when viewed from the opposite side of Willarong Road.

In other words, an alternate DA scheme set at the precise 9 metre height and setback controls would have notably greater visual impact on residential receptors opposite the site than what is proposed by this DA (assuming, that is, that the existing and proposed vegetation screening did not exist - the reality is that the extensive vegetation will do much to screen and/or soften the proposed structure). Accordingly under the circumstances it would clearly be both unnecessary and unreasonable to insist upon strict compliance with Clause 33(12).

Furthermore, it is also to be noted that Clause 33(12) would have no work to do if the DA land adjoining Willarong Road consisted of an allotment with an east-west width of less







than 36 metres, as under those circumstances the proposed building height would fully comply with Clause 33(12).

Under the circumstances, it is also concluded that all the above findings and conclusions drawn in relation to the 12 metre height control in Clause 33(11) also apply to the analysis of the Clause 33(12) height control of 9 metres.

To summarise:-

- a) the interpretation in *Hornsby Council-v-Malcolm* of the word 'adjoins' in SEPP 5 is not considered applicable to the building height development standard found in Clause 33(12) of the SSLEP 2006. A formal SEPP 1 Objection is lodged without prejudice, notwithstanding.
- b) If it were applicable however, then the non-complying section of the proposed roofline does not commence until 36 metres distance from Willarong Road, plus a further 20 metres to residential land on the other side.
- c) an envelope complying precisely with Council's setback and 9 metre controls envelope towards Willarong Road would have significantly greater impact on that residential land than would the much more modest envelope proposed, as illustrated by the attached section.
- d) furthermore, a permissible allotment with a width of 36 metres from Willarong Road would make nugatory that 9 metres height control, even if "adjoins" were interpreted to mean "adjacent" in this case, a proposition that is not conceded.

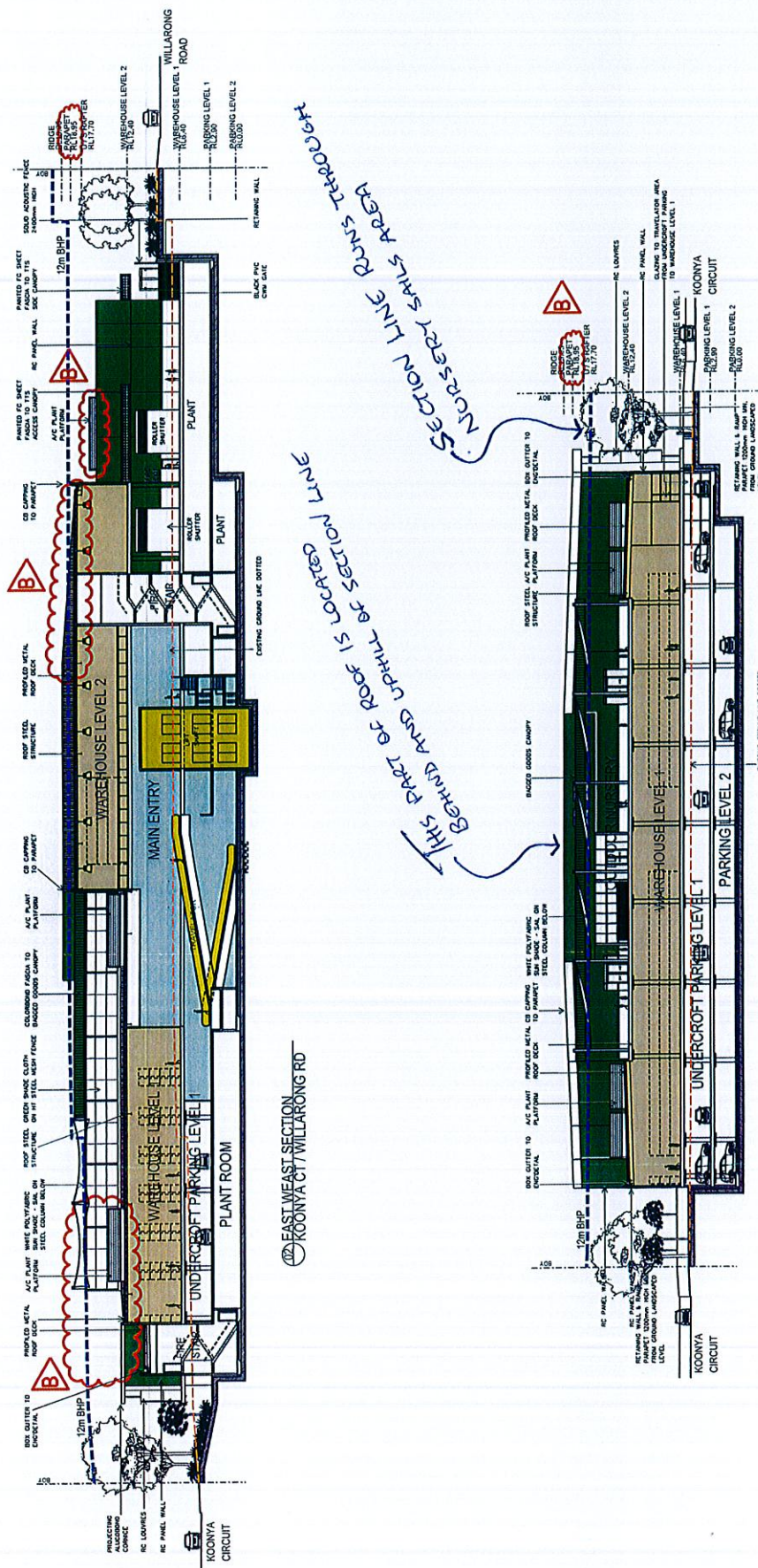


## **K. Conclusion to SEPP I Objections to Building Height Development Standards**

Therefore, given the above, and that the objectives of the Employment II zone are still satisfied, strict adherence to the subject development standards is considered to be unreasonable and unnecessary in the circumstance of the case, for the reasons discussed.

Accordingly, it is considered that the required non-compliance does not hinder the attainment of the Objects found in Section 5 of the Act, quoted in the first section of this SEPP I Objection, in particular the promotion and coordination of the orderly and economic use and development of land. It is concluded that the SEPP I Objection is well-founded, will have no adverse implication for state or regional planning, and is worthy of support.





**A**

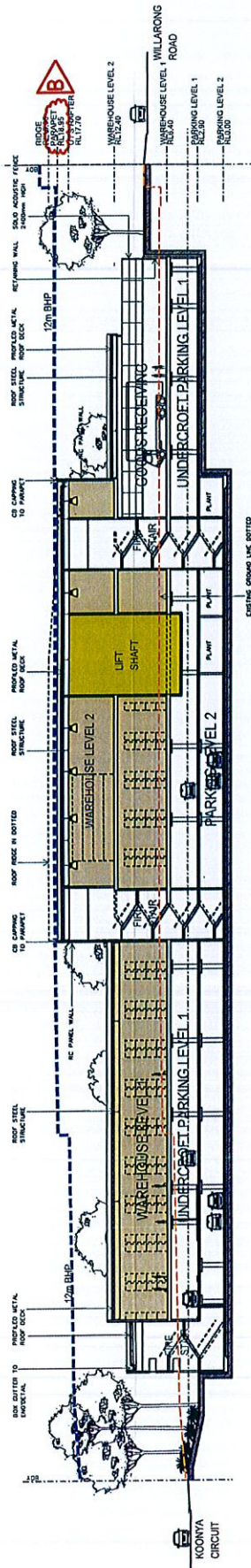
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<b>PROPOSED REDEVELOPMENT</b> <b>EXISTING BUNNINGS WAREHOUSE KOONYA CT &amp; WILLARONG ROAD, CARINGBAH NSW</b>	
<b>PROJ. NO.</b> 1002	<b>SCALE:</b> 1:250
<b>DWG. NO.</b> 120	<b>DATE:</b> APR 03
<b>SECTIONS 1/3</b>	
<b>JOHN R. BROGAN &amp; ASSOCIATES</b> ARCHITECTS, PLANNERS & CONSULTANTS, INTERIOR DESIGNERS 27 FITZ ST SYDNEY NSW 2000 TEL: 02 9231 1555 FAX: 02 9231 4741 EMAIL: jrbrogan@brogan.com.au	
<b>BUNNINGS warehouse</b>	
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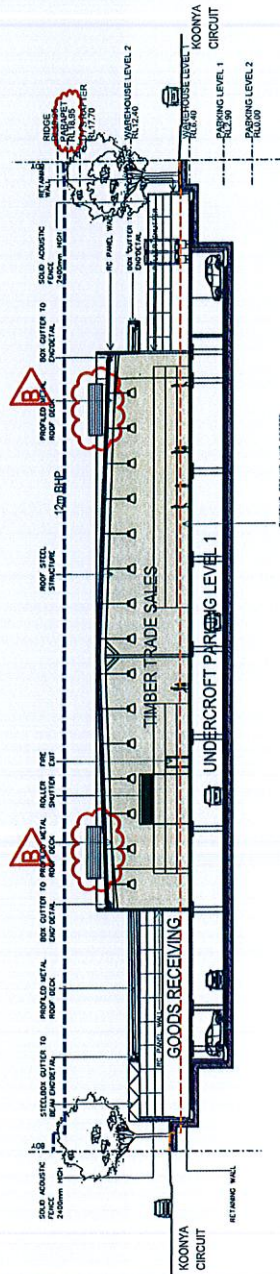








10 EAST WEST SECTION  
KOONYA CT/ WILLARONG RD



11 NORTH SOUTH SECTION  
KOONYA CT/ WILLARONG RD

DA ISSUE

NOT FOR CONSTRUCTION

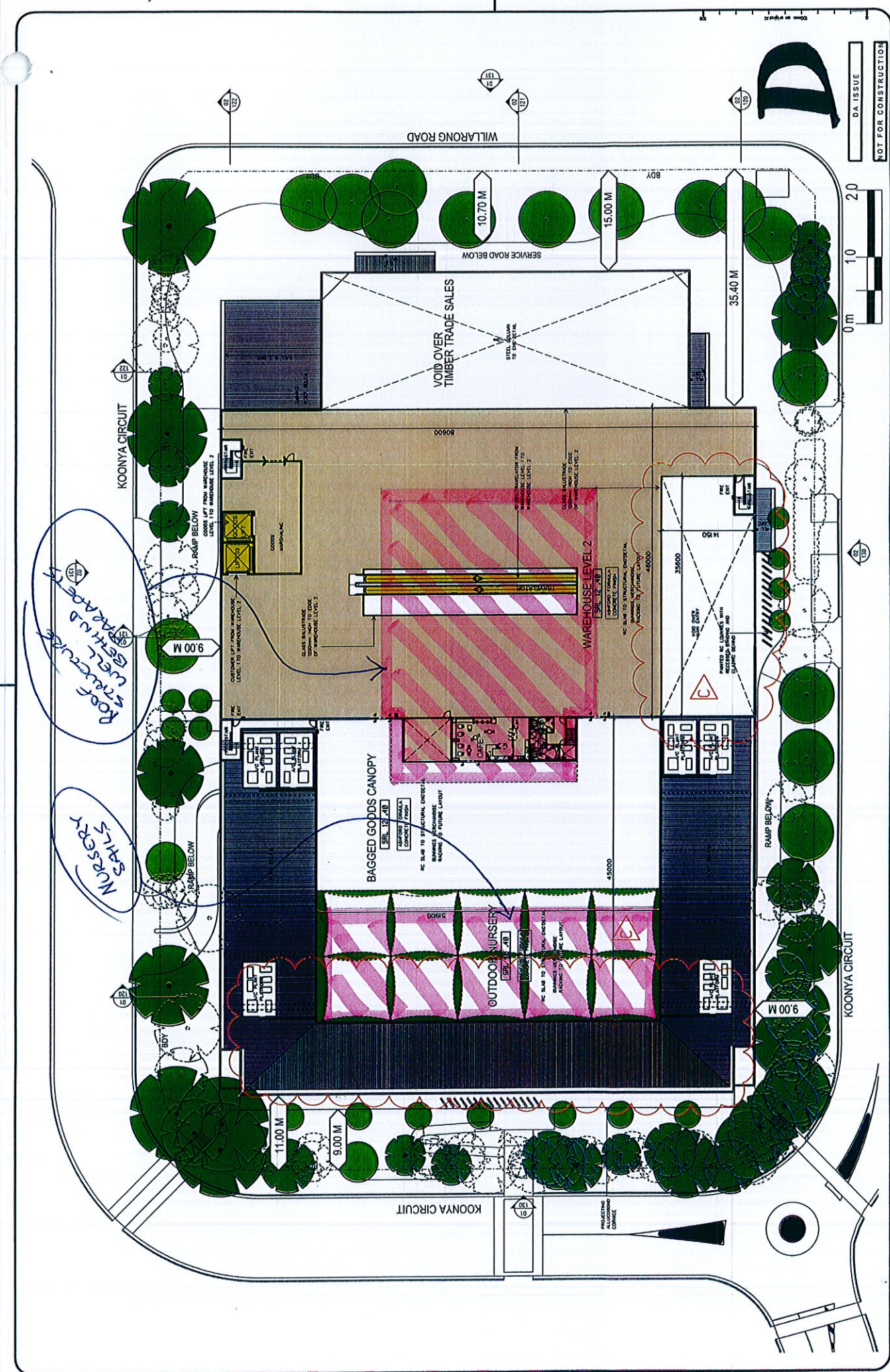
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SCALE: 1:250  
DATE: APR 03  
ORIG. NO. 122  
AVG. NO. B

PROPOSED REDEVELOPMENT  
EXISTING BUNNINGS WAREHOUSE KOONYA CT  
& WILLARONG ROAD CARINGBAH NSW

JOHN R. BROGAN & ASSOCIATES  
ARCHITECTS, PLANNERS & COMMERCIAL INTERIOR DESIGNERS  
EST. 2007  
A.B.N. 93 803 284 759  
32 PITT ST. SYDNEY NSW 2000  
PH: (02) 9 221 2323 FAX: (02) 9 251 4741  
EMAIL: jrbrogan@brogan.com.au

NO.	REVISION	DATE	BY	CHKD	APPD
1	ISSUED FOR DA	10/04/11	JRB		
2	REVISED FOR DA	10/04/11	JRB		
3	REVISED FOR DA	10/04/11	JRB		
4	REVISED FOR DA	10/04/11	JRB		
5	REVISED FOR DA	10/04/11	JRB		
6	REVISED FOR DA	10/04/11	JRB		
7	REVISED FOR DA	10/04/11	JRB		
8	REVISED FOR DA	10/04/11	JRB		
9	REVISED FOR DA	10/04/11	JRB		
10	REVISED FOR DA	10/04/11	JRB		





**BUNNINGS warehouse**

**CLIENT**

**JOHN R. BROGAN & ASSOCIATES**

ARCHITECTS, PLANNERS & COMMERCIAL INTERIOR DESIGNERS

37 RITT 91, SYDNEY NSW 2050

PH: (02) 9 221 2233 FAX: (02) 9 251 4741

EMAIL: jrbrogan@brogan.com.au

**PROPOSED REDEVELOPMENT**

**EXISTING BUNNINGS WAREHOUSE KOONYA CT & WILLARONG ROAD, CARINGBAH NSW**

**FLOOR PLAN WAREHOUSE LEVEL 2**

**NOT FOR CONSTRUCTION**

DATE: 10/02/11

SCALE: 1:250

DATE: APR 03

PROJECT NO: 1002

DWG NO: 103

APP NO: C