

JRPP No	2010SYE114
DA No	DA10/1317
Local Government Area	Sutherland Shire
Proposed Development	Demolition of Existing Warehouse and Construction of a New Bulky Goods Retail Warehouse Including Outdoor Nursery, Timber Trade Area, Car Parking and Signage
Street Address	31-35 Willarong Road, Caringbah Lot 1 DP 837271
Applicant/Owner	John R Brogan & Associates Pty Ltd
Number of Submissions	Eleven (11) submissions (including one petition containing 21 signatures and one letter of support)
Recommendation	Approval
Report By	Carolyn Howell - Environmental Assessment Officer (Planner)

Supplementary Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

At its Meeting of 20 July 2011 the Joint Regional Planning Panel (JRPP) considered a development application for the demolition of the existing Bunnings Warehouse and the construction of a new two storey Bunnings Warehouse on this site.

At this Meeting the JRPP resolved that it would approve an amended form of the application.

The purpose of this report is to:

- detail the changes made by the applicant to address the resolution of the JRPP;
- provide comment on the consistency of the changes with the resolution of the JRPP; and
- detail the discussions with the applicant in relation to conditions.

1.2 Conclusion

The application, in its revised form, satisfies the resolution of the JRPP and should be approved, subject to the recommended conditions detailed in Appendix "A".

2.0 BACKGROUND

- At its Meeting of 20 July 2011 the Joint Regional Planning Panel (JRPP) considered a development application for the demolition of the existing Bunnings Warehouse and the construction of a new two storey Bunnings Warehouse on this site. At this meeting the JRPP resolved as follows:

1. *The Panel resolves unanimously that it would approve an amended form of the application that involved the following changes:*

- (a) *The building to provide either a freeboard of 500 mm or an alternative mechanical solution that does not compromise the trees around the site or the streetscape, provided that the overall height of the building is not increased.*
 - (b) *The entry/egress to and from the northern leg of Koonya Circuit shall be perpendicular to the property boundary and at a maximum grade of 1 in 20 for the first six (6) metres inside the property.*
 - (c) *Demonstrates that the trees marked for retention on the applicant's landscape plan will be retained.*
 - (d) *An Operational Management Plan dealing with acoustics; truck management on and off the site; complaints procedure; and any activities external to the building.*
2. *The Panel requests the applicant to provide the above amendments to Council by 19 August 2011 and the Council's assessment staff to report on them by 2 September 2011, following which the Panel will communicate by electronic means to determine the application unless it considers that another public meeting is necessary.*
- On 9 August 2011 Council Officers met with the applicant to discuss the changes proposed to address the resolution of the JRPP. In relation to flooding and access there was general agreement that the changes appeared to address the issues raised by the JRPP. In relation to the operational management plan it was suggested that there were comments within the report to the JRPP which should provide a guide in relation to concerns and appropriate operational issues.
 - The applicant lodged the revised plans and documents with Council on 16 August 2011.
 - The revised plans and possible conditions were discussed with the applicant on 30 August 2011. It was noted that a number of the sections had not been revised. A copy of the draft conditions were also forwarded to the applicant on this day.
 - The applicant lodged additional plans, including revised sections with Council on 31 August 2011.
 - The applicant provided feedback to Council on the draft conditions of development consent on 1 September 2011. A copy of the applicant's request for the re-consideration of Council's draft conditions of development consent is attached in Appendix "B" of this report.
 - Further negotiation between the applicant and Council in relation to the draft conditions of development consent was undertaken on 5 and 6 September 2011.

3.0 CHANGES

To address the matters raised by the JRPP the applicant has modified their proposal. These changes are addressed in turn below:

3.1 Flooding

In response to the matter of achieving a 500mm freeboard or an alternative mechanical solution the applicant has advised as follows:

“500mm freeboard has been achieved at all locations with the exception of the driveway access to the Timber Trade Sales (TTS) area (off Koonya Circuit). At this location 240mm freeboard has been provided by the driveway crest.

To provide at least 500mm freeboard to areas in the vicinity of the TTS area the changes now proposed provide for the implementation of the alternative mechanical option. This will require flood barrier systems to be provided at each of the three (3) roller shutter openings serving TTS, the one (1) roller shutter opening serving the receiving areas and a total of eight (8) fire exit doors.

The system used at the roller shutter openings will take the form of an electronically operated vertical lift panel set to the external face of the wall rails that incorporate waterproof gaskets.....

The barrier system at the fire exit doors will operate in compliance with the BCA but will be designed to withstand hydrostatic pressure and will incorporate seals to prevent the ingress of water.”

Council's Stormwater Management Engineer has assessed the above scheme and has advised that the applicant's changes appropriately address the resolution of the JRPP.

3.2 Driveway

The applicant has modified the driveway to comply with the resolution of the JRPP. To achieve the appropriate clearances the northern wall of the development has been modified, which has reduced the gross floor area by approximately 274m². This modification will ensure that the proposal complies with the maximum density development standard.

The modification of the driveway has altered the layout of the basement car park and slightly reduced the number of parking spaces provided on site. The table below details the changes in relation to parking numbers.

	Previous Scheme	Current Proposal	Difference
Standard cars	397	387	-10
Accessible	10	10	No change
Car/Trailer	3	3	No change
Motorcycle	16	15	-1

While it is noted that there has been a reduction in the number of car parking and motorcycle parking spaces provided on site, there has been a corresponding reduction in the amount of gross floor area.

Overall the changes to the driveway and basement result in a development that is far more user friendly.

3.3 Trees

Additional detail has been provided and the architectural, engineering and landscaped plans have been co-ordinated. There is now greater certainty that the trees detailed for retention can be retained. Subject to suitable conditions of development consent, this matter is considered to be acceptable.

3.4 Operational Management

The applicant has lodged an Operational Management Plan which is attached to this report in Appendix "C". This document, together with appropriate operational conditions, should ensure that appropriate levels of residential amenity are maintained for nearby residential properties.

4.0 **CONDITIONS**

The applicant requested changes to or deletion of fourteen (14) conditions. Following negotiations, two (2) conditions remain unresolved. These are as follows:

4.1 Condition No. 6 - Signage

Council recommends that the following condition be included in the consent:

To reduce the visual impact of the proposed signage on the western elevation of the proposed building the signage shall be modified as follows:

(a) The "hammer" logo shall be deleted and the "Bunnings Warehouse" sign reduced in size to have maximum dimensions of 9.8m wide by 2.8m high.

or

(b) The "hammer" logo and "Bunnings Warehouse" sign shall be incorporated into one sign with maximum dimensions of 9.8m wide by 2.8m high.

The applicant has requested that this condition be deleted for the following reasons:

"These signs fit well within the context of the building façade, and will be partly obscured by existing and proposed vegetation. The West elevation does not face any sensitive land uses. Finally it is notable that the usual proliferation of uncoordinated signage that occurs with multiple tenancies does not occur with Bunnings as a single occupier and the signs are not internally illuminated. There seems to be no objective warrant under SEPP 64 for this condition."

The Bunnings Warehouse building itself, with its distinctively green exterior, is a well recognised iconic building and there is no need for the signage to be as large as proposed for users to readily identify its use.

Council has not raised objection to the large signage on the Willarong Road South frontage as this is the main entrance into the building. It is considered appropriate that signage on secondary frontages should scale down.

The proposed signage is “business identification signage” and not “advertising signage” however it is worth noting that SEPP 64 prohibits advertising signage greater than 45m² unless there is a development control plan in place to support it. Both the “hammer” logo and the “Bunnings Warehouse” sign are both approximately 50m² each.

It is not considered that a smaller sign is any less effective at communicating the use of this building.

4.2 Condition No. 25 – Garbage and Recycling Storage Area

Council recommends that the following condition be included in the consent:

To ensure proper storage of waste from the premises, a garbage and recycling storage area shall be provided. This facility shall be located within the Goods Receiving Area. Within this area a smooth impervious floor shall be provided that is graded to a floor waste and a tap and hose provided to facilitate regular cleaning of the bins. All waste water shall be discharged to the sewer in accordance with the requirements of Sydney Water.

Details of the garbage and recycling storage area shall accompany the Construction Certificate.

The works included above shall be completed prior to the issue of an occupation certificate.

The applicant has requested that this condition be deleted for the following reasons:

Please refer to Bunnings’ Operational Waste Management Plan provided as part of this application. Bunnings’ waste comprises cardboard, plastics and timber. There is no cooking on site, nor substantially there any waste stream that warrants a specific waste area with graded floor, separate tap etc. No waste water is generated or warranted.

It is standard for Council to require this type of garbage facility to be provided. It is not considered to be overly onerous and allows for the cleaning of bins. The provision of a tap and a drain that is connected to the sewer is an appropriate environmental safeguard and for this reason Council considers that the condition should be imposed.

5.0 CONCLUSION

The applicant has addressed the resolution of the JRPP at its Meeting of 20 July 2011.

Following negotiations between Council and the applicant two (2) conditions of development consent remain in dispute. These are in relation to reducing the size of

the signage on the western elevation and the provision of a garbage area with suitable environmental controls.

Subject to the recommended conditions of development consent the proposed development is now considered to be worthy of approval.

6.0 RECOMMENDATION

- 6.1 That pursuant to the provisions of Clause 6 of State Environmental Planning Policy No. 1 (SEPP 1), the Objection submitted in relation to the requested variation of the height development standard under Clause 33(11) and 33(12) of Sutherland Shire Local Environmental Plan 2006 is considered to be well founded and is therefore supported. Accordingly, the provisions of SEPP No. 1 are invoked and this development standard is varied to 14.12m in respect to this development application.
- 6.2 That Development Application No. 10/1317 for the Demolition of the Existing Warehouse and the Construction of a New Bulky Goods Retail Warehouse Including Outdoor Nursery, Timber Trade Area, Car Parking and Signage at Lot 1 DP 837271, known as 31-35 Willarong Road, Caringbah be approved, subject to the draft conditions in Appendix "A" of the report.