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| JRPP No: | 2012SYE028 |
| DA No: | DA12/0166 |
| LGA: | Sutherland Shire |
| Proposed Development: | Bulky Goods Development - Alterations and Additions to the Existing Caringbah Homemaker Centre, Additional Carparking and Landscaping |
| Site/Street Address: | Lot 101 DP 417983 (Nos. 41-49) Willarong Road, Caringbah & Lot 21 DP 800924 (No. 29) Koonya Circuit, Caringbah |
| Applicant: | Caringbah Unit Trust |
| Submissions: | Seven (7) Submissions (Including Three (3) Letters of Objection and Four Letters of Support) |
| Recommendation: | Approval |
| Report By: | Michael Hornery - Environmental Assessment Officer Sutherland Shire Council |

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$20,000,000. The application submitted to Council nominates the value of the project as \$20,238,000.

1.2 Proposal

The application is for alterations and additions to the existing Caringbah Homemaker Centre (a bulky goods retail complex) at the above property.

1.3 The Site

The site has frontages to Willarong Road, Taren Point Road and Koonya Circuit. It is adjoined by bulky good retailing and industrial uses, with low density residential dwellings across Willarong Road.

1.4 The Issues

The main issues identified are as follows:

- Flooding
- Non compliance with height
- Non compliance with building density
- Non compliance with landscaped area
- Impacts in relation to traffic and parking
- Relationship with the street

1.5 Conclusion

Variations to the height, density and landscaped area development standards are supported. Following the submission of amended plans, the current application is considered worthy of support, subject to conditions.

2.0 DESCRIPTION OF PROPOSAL

The proposed development is for alterations and additions to the existing Caringbah Homemaker Centre involving the construction of an additional portion of bulky goods floor space at Level 1 of the existing centre. This will result in internal and external upgrading, the introduction of additional tenancies and the provision of additional landscaping and parking.

The proposal consists of 6,298m² of additional gross floor area (GFA). The proposal will result in an additional 42 spaces within the car park, bringing the overall level of parking provisions on the site to 592. The parking area will also provide parking for 38 motor bikes and 42 bicycles.

The proposed hours of operation are the same as the existing hours of operation, being 7am to 9pm Monday to Friday and 8am to 6pm Saturday and Sunday.

The proposed development is classified as a “*bulky goods premises*” and is permissible with development consent under *Sutherland Shire Local Environmental Plan 2006*.

The main pedestrian entrance into the development is proposed to be from Koonya Circuit however, access can also be obtained through the ‘Fantastic Furniture’ tenancy from Taren Point Road. There is also access from Willarong Road.

Vehicular access into the basement car park is from Koonya Circuit to the north and Willarong Road to the east.

Each level can be described as follows:

Ground Floor

This is the entry level of the Homemaker Centre and contains 9980m² of GFA. This level contains the main pedestrian entrances into the development via Taren Point Road and Koonya Circuit. This level of the development is set at RL 6.5.

The ground floor consists of a number of existing showrooms and also the provision of new showrooms. A new café within the Koonya Circuit entrance along with a designated pedestrian access way and reconfiguration of some of the existing shops are the main changes at this level. There is a loading dock to the north accessed via the Koonya Circuit entrance and there is also a smaller loading dock located midway down the southern side of the building adjacent to the tenancy known as L4.

This level also contains two (2) car park levels to accommodate a total of 206 vehicles. Car park Level A is set at RL 5.10 and accommodates 101 vehicles and car park Level B is set at RL 6.4 and accommodates 105 vehicles. Parking for 19 motorcycles and 42 bicycles is provided within these two car park areas.

Level 1

This level of the development contains 17297m² of GFA, with 6045m² of new floor space.

The additional GFA is to be provided to the eastern side of the existing Homemaker Centre towards Willarong Road along with additional GFA to the Koonya Circuit entrance. A loading dock is provided adjacent to the eastern side of the 'Harvey Norman' tenancy.

This level of the development is set at RL 11.92.

Mezzanine Car Park

This level contains two (2) levels of car parking with a total of 209 spaces. Car park Level C is located at RL 7.7 and accommodates 91 vehicles and car park Level D is located at RL 9.0 and accommodates 118 vehicles. Parking for 14 motorcycles is provided within these two car park areas.

Rooftop Car Park

This level contains car parking for 177 vehicles. This level of the development is set at RL 16.75. Parking for five (5) motorcycles is also provided.

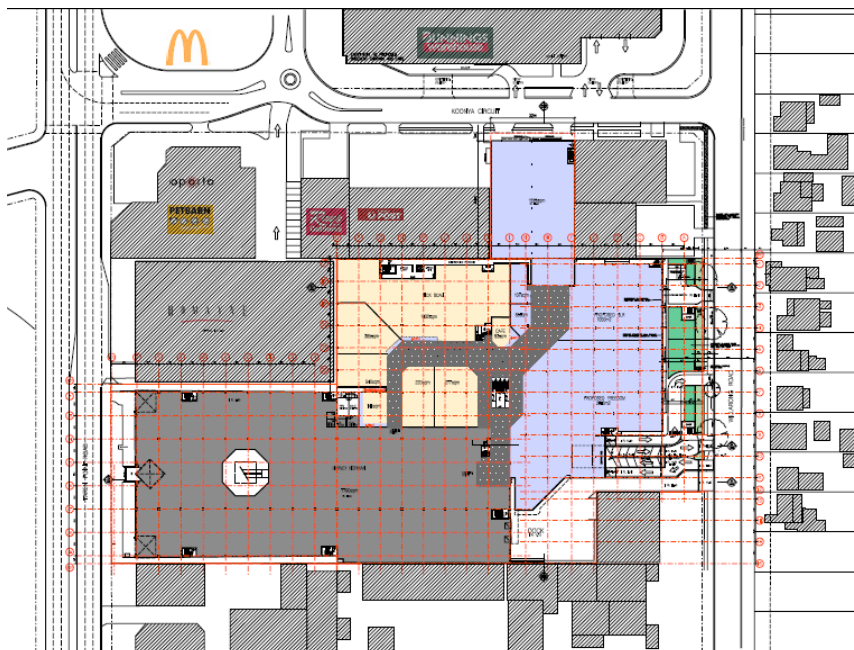


Figure 1: Site plan of proposal

3.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 41-49 Willarong Road, 29 Koonya Circuit and 220 Taren Point Road, Caringbah. Currently situated on the site is a two (2) storey bulky goods retail development with parking for 550 vehicles, known as 'Caringbah Homemaker Centre'. Vehicular access to the site and loading facilities are provided from both the Willarong Road and Koonya Circuit entrances.

The site has frontages of approximately 88m to Willarong Road to the east, approximately 70m to Taren Point Road to the west and approximately 31m to Koonya Circuit to the north. The site is irregular in shape and has a total area of 22,050m².

The development surrounding the site is varied, with a mixture of residential and commercial buildings. To the east of the site across Willarong Road are detached dwelling houses of various heights and architectural styles. Immediately to the north and the south of the site are various bulky goods outlets including 'Bunnings'. Adjoining the development to the north and west is Australia Post and various fast food outlets. To the west across Taren Point Road is Endeavour Sports High School.

The site is identified as being affected by flooding. The area affected by flooding is located within and adjacent to the Koonya Circuit entrance to the Homemaker Centre. The drainage system in Koonya Circuit has been designed to take minor storm events only, therefore during a major storm event overland flow will occur in Koonya Circuit.

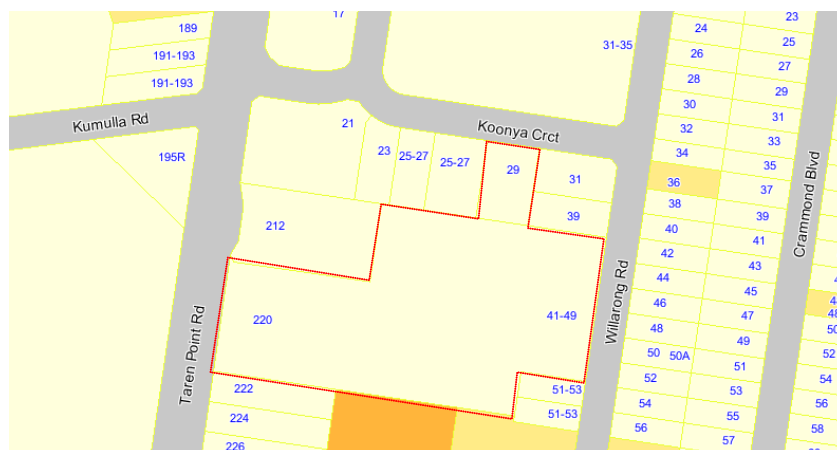


Figure 3: Location of site



Figure 4: Aerial photograph of site

4.0 BACKGROUND

A history of the development proposal is as follows:

- In 1995 Council approved the construction of a bulky goods retail centre on the subject site (DEV941618).
- A pre-application discussion (PAD11/0018) was held on 9 March 2011 regarding proposed alterations and additions that were of a significantly larger scale to that of the proposed development. Following this a formal letter of response was issued by Council dated 28 March 2011 raising concerns at the intensity of the development proposed. A full copy of the advice provided to the Applicant is contained within Appendix "B" of this report.
- A pre-application meeting with Council's Architectural Review Advisory Panel (ARAP11/0007) was held on 7 July 2011. A copy of the ARAP report was forwarded to the applicant on 19 July 2011. A full copy of this is provided within Appendix "C" of this report.
- The current application was submitted on 16 March 2012.
- The application was placed on exhibition with the last date for public submissions being 12 April 2012. Seven (7) submissions were received.
- The application was considered by the Architectural Review Advisory Panel (ARAP) on 29 March 2012. A copy of the ARAP report was sent to the applicant on 10 May 2012. A full copy of this is provided in Appendix "D" of this report.
- An information session was held on 3 April 2012. No members of the public attended this meeting.
- Comments and recommendations from Council's Community Services Unit received on 11 April 2012.
- The application was considered by Council's Submissions Review Panel on 18 April 2012.

- Comments were received from the NSW Police Force on 19 April 2012.
- Paramics traffic modelling report emailed to Council on 3 May 2012.
- The proposal was presented at the Consultative Traffic Forum meeting on 4 May 2012.
- Council officers wrote to the applicant on 10 May 2012 requesting that amended plans and additional information be provided as follows:
 - Comments from ARAP to be incorporated in the amended design.
 - Non compliances with height, density and landscaped area to be addressed.
 - Non compliance with SSDCP 2006 to be addressed.
 - Traffic management issues to be addressed.
 - Stormwater and flooding issues to be addressed.
 - Longitudinal sections for Konya Circuit to be provided.
- Comments and conditions received from Roads & Maritime Services on 29 May 2012.
- Amended plans were lodged on 28 June 2012.
- Council officers met with the Applicant and their consultants on 28 June 2012 and requested that the following additional information be provided:
 - Longitudinal profile confirming compliance with AS2890.1:2004.
 - Letter from structural engineer confirming loading capacity under proposed planter boxes.
 - Letter from electrical engineers re substation access requirements.
 - Letter from fire safety consultant re fire brigade access.
 - Letter confirming position on providing internal access to 'Domayne'.
 - Letter discussing potential for a formal direct pedestrian entry point from Taren Point Road into the Homemaker Centre.
- Additional information requested at meeting of 28 June 2012 provided via email on 3 July 2012.
- Additional land surveys emailed to Council on 4 July 2012.
- Final comments received from Council's Traffic and Transport Manager on 5 July 2012.
- Applicant submitted draft landscape sketch on 13 July 2012.
- The application was again considered by the Submissions Review Panel on 17 July 2012.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application. The application includes SEPP 1 Objections requesting a variation to the development standards for height, building density and landscaped area.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006). A

total of 355 adjoining or affected owners were notified of the proposal. Five (5) submissions during the exhibition period and two (2) late submissions were received. Of the submissions received, three (3) object to the proposal and four (4) support the proposal.

Submissions were received from the following properties:

| Address | Date of Letter/s | Issues |
|--|-------------------------|----------------------------|
| PO Box 685, Miranda | 22 March 2012 | 1, 2, 4 & 9 |
| Milestone on behalf of 212 Taren Point Road, Caringbah | 17 April 2012 | 1, 2, 3, 4, 5, 6, 7, 8 & 9 |
| Milestone on behalf of one tenant of 41-49 Willarong Road & 29 Koonya Circuit, Caringbah | 17 April | 1, 2, 3, 4, 5, 7 & 9 |
| 21 Koonya Circuit, Caringbah | 11 April 2012 | Support |
| 31-35 Willarong Road, Caringbah | 12 April 2012 | Support |
| 31A Koonya Circuit, Caringbah | 16 April 2012 | Support |
| 31 Koonya Circuit | 17 April 2012 | Support |

The issues raised in these submissions are as follows:

6.1 Issue 1 – Non Compliance With Maximum Height

Concern has been raised about non compliance with the development standard for height.

Comment: This matter is addressed below in the “Assessment” section of this report.

6.2 Issue 2 – Non Compliance With Maximum Building Density

Concern has been raised about non compliance with the development standard for density.

Comment: This matter is addressed below in the “Assessment” section of this report.

6.3 Issue 3 – Non Compliance With Minimum Landscaped Area

Concern has been raised about non compliance with the development standard for landscaped area.

Comment: This matter is addressed below in the “Assessment” section of this report.

6.4 Issue 4 – Bulk and Scale

Concern has been raised that the bulk and scale of the development are visually inappropriate in close proximity to a residential area.

Comment: The proposed development is significantly larger in comparison to the residential development. There is a change in zoning across Willarong Road and there are vast differences in the type and scale of development permitted within each of the zones. Although the proposal seeks to exceed the maximum building density control, the proposed landscaping and treatment of the building elevation that fronts Willarong Road are considered to provide a buffer that is visually acceptable.

6.5 Issue 5 – Adverse Economic Impacts

Concern is raised that the proposed development will have a significant impact on the bulky goods precinct, in particular the exposure and access to Harvey Norman from Willarong Road.

Comment: This issue appears to relate to matters of commercial competition and the relationship between a tenant of the Centre and the owner. These are not matters of weight in the assessment of the application.

6.6 Issue 6 – Capital Investment Value of Development

An objector has questioned the capital investment value of the development. They believe the value to be too high and that it should be less than \$20m, and therefore be assessed by Council not the JRPP.

Comment: Council requires that where a development exceeds \$2m, the development cost calculation must be endorsed by a registered quantity surveyor. The applicant has provided a cost assessment endorsed by a quantity surveyor in accordance with this requirement, which is considered satisfactory.

6.7 Issue 7 – Inaccuracies of Economic Impact Assessment Report

Concern has been raised that the economic impact assessment report understates the size of the expansion, citing 5421m² (GLA) whereas it should state 6298m²(GFA).

Comments: The applicant has clarified the method by which the economic impact assessment (EIA) was undertaken. The expansion of the Homemaker Centre is approximately 5421m² of gross lettable area (GLA) and will include 6298m² of gross floor area (GFA). The relevant floor space that is typically analysed in economic impact assessments is GLA. The GLA of the proposed Homemaker Centre is 5421m², which is the figure used in the economic impact assessment report.

6.8 Issue 8 – Connectivity Between Sites Within the Bulky Goods Precinct

Concern has been raised that the applicant is relying upon a master plan to provide a connection between Domayne and the Homemaker Centre in future.

Comment: The Homemaker Centre and Domayne currently operate without a direct connection point and they are both separate buildings located on separate lots. This matter is not considered to be relevant in this proposal. Although there may be benefits for parties involved to provide a connection between the Homemaker Centre and Domayne, this application does not seek approval to provide a connection between the two buildings. This matter will need to be discussed and resolved between the two parties involved.

6.9 Issue 9 – Car Parking, Traffic and Access Issues

Concern has been raised that there will be increased traffic flow.

Comment:

At Council's request, the applicant undertook Paramics ScatSim (microsimulation) Modelling to determine traffic impacts on the surrounding road system. This paramics modelling analysis indicates that the expansion of the Homemaker Centre and the associated traffic generation would not have a significant adverse cumulative impact on the operation of the surrounding road network.

6.10 Submission Review Panel

As a result of the submissions received and the issues that were raised, the panel found that there was substance to a number of the issues raised in the submissions.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone 11 – Employment pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The site is located within an area of the Employment Zone in which bulky goods premises are permissible. The proposed development, being a *bulky goods premise*, is a permissible land use with development consent.

Across Willarong Road, to the east, are residential properties. The eastern side of Willarong Road is zoned Zone 4 – Local Housing. Willarong Road is not zoned and therefore Zone 4 and Zone 11 are deemed to adjoin one another. This is of particular relevance in relation to the height controls contained within SSLEP 2006.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)
- State Environmental Planning Policy No. 64 – Advertising and signage (SEPP 64)
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)
- Sutherland Shire Development Control Plan 2006 (SSDCP 2006)
- Section 94A Developer Contributions – Land within the employment zone

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

| Standard/Control | Required | Proposed | Compliance (% Variation) |
|---|---|---|--|
| Sutherland Shire Local Environmental Plan 2006 | | | |
| Height Willarong Road Koonya Circuit Taren Point Road Clause 33(11) & 33 (12) | 9m 12m 12m | 12.5m 12.5m 18.15m | No (38.9%) No (4.2%) No (51.25%) |
| Building Density Clause 35(13) | FSR 1:1 | 1.24:1 | No (24%) |
| Landscaped Area Clause 36(5(i)) | 10% | 2.1% | No (79%) |
| Sutherland Shire Development Control Plan 2006 | | | |
| Allotment Size Ch 3.Cl 1.b.3.1 | 1000m ² site area | 22,050m ² | Yes |
| | 21m width (Taren Point Rd) (Willarong Rd) | 70.56m 87.835m | Yes Yes |
| | 27m depth | 183.05m | Yes |
| Street Setback Willarong Road Ch 3.Cl 2.b.6.1 | 9m | 14.7m | Yes |
| Street Setback Taren Point Road Ch 3.Cl 2.b.12.1 | 6m | 9m | Yes |
| Secondary Street Setback (Koonya Circuit) Ch 3.Cl 3.b.15.2 | 3m | 3m | Yes |
| Outdoor Staff Recreation Area Ch 3.Cl 7.b.7.1 | 16m ² area | Provided in revised Willarong Rd landscape plan | Yes |
| | 3m width | Yes | Yes |
| Active Frontages Ch 3 Cl 8.b.2 (1) | Active frontage to and pedestrian | Yes | Yes |

| | | | |
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| & (2) | entrance from Taren Point Road | | |
| Streetscape Ch 3.Cl 11.b.16.1 | Ground floor uses to have street presence | No – some presence for entry area | No |
| Loading Docks Location Ch 3.Cl 11.b.16.2 | Behind built form | Behind built form | Yes |
| Street Trees Ch 3.Cl 12.b.1.8 | 15m intervals | Can be provided by condition | Yes |
| Landscape Strip Ch 3.Cl 12.b.15 | 3m wide Willarong Rd Koonya Circuit | 2.6m 3.8m | No Yes |
| Street Landscaping Ch 3.Cl 12.b.16.2 | 6m wide strip Taren Point Rd | 9m | Yes |
| Car Parking Ch 7.Cl 1.b.1 | RTA Guidelines – refers to traffic report | 592 spaces Considered acceptable | Yes |
| Motor Cycle Parking Ch 7.Cl 1.b.2 | 1/25 car spaces $593/25 = 24$ spaces | 38 | Yes |
| Footpath Ch 7.Cl 3.b.3 | 1.2m footpath to be provided | Can be provided by condition | Yes |
| Loading Ch 7.Cl 4.b.9 | Dedicated loading area | Yes | Yes |
| | Enter & exit in forward direction | Yes | Yes |
| | Minimum heavy rigid vehicle | Yes | Yes |
| Bicycle Parking Ch 7.Cl 5.b.3.1 | 1/10 cars (first 200 cars) 1/20 cars (there after) = 40 spaces | 42 | Yes |
| | Provision of unisex shower | Yes | Yes |
| Waste & Recycling Storage Ch 8.Cl 6.b.1.1 | Show the waste storage area | Yes | Yes |
| Advertising Ch 10.Cl 1.b.1 | 20m ² max | Some greater than 20m ² | No |
| | 1 sign/elevation | 5 signs - East 8 signs - West 8 signs - North 5 signs - South | No |
| | No signage on secondary elevations | Signage on all elevations | No |

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1. Transport Roads and Maritime Services (RMS)

Pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 the development is identified as Traffic Generating Development and as such has been referred to the RMS for comment. The RMS provided comments and recommendations to Council, a copy of which is located within Appendix "E" of this report. In summary the RMS do not have any fundamental objection to the proposal.

9.2. NSW Police Force

In accordance with the protocol between the NSW Police Force and Sutherland Shire Council, this application was forwarded to the NSW Police Force for comment.

The NSW Police Force has advised that given the nature of the development, that they do not believe a crime risk assessment is necessary. The crime in the area is currently low and it is expected that this development will have minimal impact upon the resources of the Police.

9.3. Architectural Review Advisory Panel

Council's Architectural Review Advisory Panel (ARAP) considered this application on 29 March 2012. A full copy of the report from ARAP is contained within Appendix "D" of this report. In conclusion this report noted the following:

"The building as currently proposed does not accommodate the proposed density in a satisfactory manner. No compelling public or architectural benefits have been provided to justify increasing the proposed density of the complex beyond that which is permissible by the site's current controls. Support for the application is not warranted.

Further contextual information is required to help inform a more considered response to the proposal's interface with the residential dwellings on Willarong Road. Further development of all elevations and landscaping is also strongly recommended. A considered commitment to providing an environmentally sustainable building would also help justify the increased density being sought for the centre. The proposal in its current form is not supported by the Panel."

In response to these comments, the applicant submitted revised plans. In response to the submission of revised plans Council's Urban Designer provided the following comments on the proposal:

“Please note the following comments outlining how revised documents received by Council on 28 June 2012 have addressed issues raised by ARAP:

Context

Sections through the site and floor plans have been extended to incorporate the residential dwellings on Willarong Road.

Scale and Density

Development and rationalisation of the external treatment of the building are a noted improvement. A stronger commitment to providing a more environmentally sound development has also been proposed.

Built Form/Aesthetics

Willarong Road Frontage

The Willarong Road elevation has been divided into a series of bays expressed with a variety of materials/finishes. The level of articulation and higher quality of materials used are a noted improvement.

The proposed screening over the vehicular entry ramps and an increased area of landscaping have also contributed to providing a more appropriate interface with Willarong Road.

Taren Point Road Frontage

The extent of signage has been rationalised and the elevational treatment also simplified. The use of terra cotta tiles at street level and aluminium cladding at the upper level is appropriate. However the proposed louvered walls at both ends of the elevation appear to be serving no functional purpose, the use of a cladding panel of a contrasting scale should be considered in these locations.

Koonya Circuit Frontage

An alternative material selection and more restrained use of cladding panels and signage have provided an improved presentation to Koonya Circuit.

Resource, Energy & Water Efficiency

A stronger commitment to providing a more environmentally sound development has been outlined within a sustainable management plan. To ensure that these commitments are undertaken the following condition of consent should be applied:

“Environmental commitments made in the Sustainable Management Plan dated 19 June 2012 shall be undertaken.”

Amenity

The Willarong Road entry remains low key. However greater emphasis is now placed upon the Koonya Circuit pedestrian entry to the centre, as this provides the most direct connection to the surrounding retail precinct.

Safety & Security

Initial images (drawing A8006) of the Koonya Circuit pedestrian link show the intent of how the entry point should function. However the extent of walls and landscape shown on plans (A7000) appear to be inconsistent with this image.

To ensure the design intent demonstrated in the image is realised it is recommended that:

- *The wall separating the entry from the loading dock shall extend level with the north face of the café.*
- *Planter boxes located adjacent to the substation and MSB are removed to provide a wider path way.*

Conclusion

Noted improvements have been made to all external elevations, environmental commitments and landscaping.”

9.4. Consultative Traffic Forum (CTF)

The proposal was presented to the CTF for comment on 4 May 2012, report No CTF011-12.

The CTF recommended the following:

- (a) That additional information be provided with regard to the capacity of the servicing arrangements to cater for the increased activity associated with the development proposal.*
- (b) That the safety and efficiency of the intersection of Willarong and Parraweena Roads, Taren Point be further investigated with regard to increased turning movements as a result of the development.*

These matters were further assessed by Council's Traffic and Transport Manager and found to be satisfactory.

9.5. Traffic and Transport

The application was referred to Council's Traffic and Transport Unit for assessment. The following comments have been received from Council's Manager of Traffic and Transport.

Loading Dock

The proposed loading dock arrangements will have sufficient capacity on the basis that the larger operators have off site service centres.

Traffic Generation

The applicant has provided Council with additional information on traffic generation. This information indicates that the road network will have sufficient capacity to safely cater for additional traffic generated by the

proposed development for both the before and after *Bunnings* redevelopment scenarios.

Traffic Modelling

At Council's request, the applicant undertook Paramics ScatSim (microsimulation) Modelling to determine traffic impacts on the surrounding road system.

The methodology used involved using the "Bunnings Warehouse Paramics Model" as the base case scenario. The traffic to be generated by the expansion of the Caringbah Homemaker Centre was added to this model and the model was rerun.

This paramics modelling analysis indicates that the expansion of the Homemaker Centre and the associated traffic generation would not have a significant adverse cumulative impact on the operation of the surrounding road network.

No objection is raised to the proposal.

9.6. Flooding

The proposed development was referred to Council's Stormwater Management Unit for assessment as the subject site is located within "*an initial assessment of flood risk area*".

The draft Gwawley Bay Catchment Flood Study confirms that overland flow could enter from Koonya Circuit.

Council's Stormwater Management Unit provided the following recommendations in relation to the proposed development:

- *The applicant is to prepare a detailed flood study to ensure there is no stormwater inundation of the development.*
- *Advise the applicant that a possible way of controlling flood inundation of the development is to construct a hump in the driveway off Koonya Circuit. The crest of the driveways and associated retaining walls should be a minimum of 200mm above the water surface level of the 1% AEP flood level plus the impacts of climate change, namely increased rainfall intensities or storminess and sea level rise consistent with current NSW State Government policy for the year 2100.*
- *Make the applicant aware of a recent flood study undertaken by Flood Mit Pty Ltd for the redevelopment of Bunnings.*

The applicant submitted a flood assessment report prepared by Flood Mit. Council's Stormwater Manager is satisfied that the recommendations of this report satisfactorily address the concerns raised.

9.7. Engineering –Environmental Services Division

The application was referred to Council's Development Engineer for an assessment of traffic management, stormwater management, construction

site management and geotechnical issues within the site during the construction and operational phases of the development.

Council's ESD engineer has undertaken an assessment of the proposal and has raised no objection to the proposal subject to suitable conditions of development consent.

9.8. Landscaping

The application was referred to Council's Landscape Officer who provided the following comments:

"Based on a review of the revised landscape architectural documentation from Context Landscape Design (Rev G dated 20.06.12) and the revised draft landscape layout for Willarong Road (dated 13.07.12), I now approve the landscape plans subject to the following amendments and conditions:

- *The 6 no. small feature trees proposed in the Taren Point Road frontage (see Context Dwg No. LS_1001) shall be Glochidion ferdinandii (Cheese Tree).*
- *The minimum depth of soil to the grass area on slab in the Willarong Road frontage shall be 450mm (or 3 steps)."*

9.9. Community Services

The application was referred to Council's Community Services Unit who provided comment in relation to accessibility and crime prevention. Council's Community Services Unit has advised that, subject to suitable conditions of development consent, no objection is raised to the proposed development.

9.10. Environmental Health

The application was referred to Council's Environmental Health Officer for assessment. No objection is raised, subject to the imposition of appropriate conditions of consent.

9.11. Building

The submitted Building Code of Australia (BCA) report prepared by McKenzie Group Consulting indicates that there will be non-compliances with the deemed to satisfy (DTS) provisions of the BCA. It is also noted that the existing building is subject to alternative solutions.

Compliance with the BCA is a matter to be addressed by the Accredited Certifier (AC) at the Construction Certificate (CC) stage and the AC must ensure compliance prior to issuing a CC. Compliance can be in the form of the DTS provisions or an Alternate Solution demonstrating that the performance measures of the BCA have been satisfied.

In this regard there is no objection to the issuing of development consent subject to conditions.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Height

The proposed development fails to comply with the development standard for height. Clause 33 (11) of SSLEP 2006 stipulates a maximum height of 12m.

Clause 33(12) also applies to this land and states the following:

“Despite subclause (11), a building on land in Zone 11 – Employment that adjoins land in Zone 3 – Environmental Housing (Bushland) or 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.”

Opposite the site, in Willarong Road, are dwelling houses that are located in Zone 4 – Local Housing pursuant to SSLEP 2006. In interpreting this clause Council has determined that the land adjoins the Zone 4 – Local Housing land and as such this portion of the building would be required to be a maximum of 9m in height.

This interpretation is reinforced in *Hornsby Shire Council v Malcolm* (1986) 60 LGRA 429 at [433-34] Justice Kirby P took a liberal interpretation of “adjoin”. In *Hornsby Shire Council v Malcolm* the word “adjoins” related to wording within State Environmental Planning Policy No. 5 – Housing for Aged and Disabled Persons and its interpretation decided the permissibility of development on land which “adjoins” urban uses. Justice Kirby states that nowadays if “adjoins” was to be interpreted as abutting it should have had an adverb, such as “immediately” forward of it.

The applicant has lodged an objection pursuant to the requirements of SEPP 1. The applicant’s full SEPP 1 Objection is contained within Appendix “F” of this report and the most relevant section is reproduced below:

“The proposed variation to the building height standard is well founded and compliance with this development standard is unreasonable or unnecessary in the circumstances of the case because:

- The magnitude of variation is minor within the surrounding context and the proposal.*
- No change to building height is proposed at the Taren Point Road frontage. The proposal seeks to extend this height to Willarong Road and Koonya Circuit, which is appropriate within the context surrounding development of compatible scale and massing.*
- The proposed additional bulk at Koonya Circuit will create a positive building infill to create a more attractive streetscape, being more consistent with the existing scale and character of development in the street.*

- *Compliance with the standard is unreasonable because the proposal positively responds to the objectives of the standard. In particular, the proposal is consistent with the surrounding locality and context.*
- *Strict compliance with the standard would unreasonably restrict the expansion and revitalisation of the centre which aligns strategically with the role and function of the key established bulky goods precinct within the Sutherland Shire.*
- *Non-compliance with the standard does not raise any adverse matters of state or regional significance. Rather, the proposal is a positive response to the initiatives in the draft Centres Guidance, Metropolitan Plan 2036, and the draft South Subregional Strategy.*
- *On balance, there will be public benefits to customers, surrounding business owners and nearby residents as a result of the proposed development, notwithstanding the proposed minor variation to the applicable height standard. “*

Analysis:

The site is subject to two height standards, being 9m and 12m. Before assessing whether the variation to the height control development standard can be supported, it is important to determine which areas are subject to the 9 metre height limit and which areas are subject to the 12 metre height limit.

It would be unreasonable to apply a 9 metre height development standard to the entire site since this large site could be subdivided into many smaller parcels and the controls would then only apply to those allotments adjoining Willarong Road. It is also important to note that the adjoining properties within Taren Point Road and those to the east of the Koonya Circuit entrance are subject to the 12 metre maximum height.

Taking this into account and if the site was subdivided, the minimum depth of a new allotment within Zone 11 - Employment zone is 27m with a minimum area of 1000m². Based on this it would be reasonable that the 9 metre height control be assessed against the portion of the building located within the first 27 metres of Willarong Road and the 12 metre height control should then apply to the remainder of the building.

The existing building currently exceeds the maximum 9 metre and 12 metre height controls. The existing maximum height of the building to the ‘turrets’ is 20.5m and excluding the turrets is 12.5m. The proposed development will result in a reduction of the turrets fronting Taren Point Road by 2.35m to achieve a maximum height of 18.15m. It is proposed to retain the parapet height at 12.5m for Taren Point Road. The height of the additions in Koonya Circuit and Willarong Road are also proposed to be constructed at a maximum of 12.5m.

The alterations and additions within Koonya Circuit and Willarong Road will create building infill within this area of the bulky goods precinct and the heights of the addition are not out of character with the existing and future development. In particular the height of the parapet in Koonya Circuit, being 12.5m, is marginally in excess of the maximum permitted.

As discussed, the maximum height control for the building within Willarong Road is 9m due to it adjoining residential zoned land. Along with the provision of dense landscaping, the use of a variety of materials and finishes has also contributed to an appropriate interface with Willarong Road, assisting in softening the built form. The height of the building, at 12.5m to the parapet, is considered acceptable.

In relation to the main roof structure, the maximum height of the building will be 12.5m with the turrets at a maximum height of 18.15m. Although the proposed development will exceed the maximum controls of Clause 33(11) & (12) of SSLEP, the proposal will result in a reduction in height of the turrets fronting Taren Point Road and the extent of the proposed landscaping on the Willarong Road frontage will soften the impacts of the additional heights above the development standards.

In *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46, Justice Lloyd established a set of five (5) questions which now are an accepted convention for assessing a SEPP 1 Objection. An assessment of the SEPP 1 in accordance with this convention has been undertaken below.

(a) Is the Requirement a Development Standard?

Yes, Clauses 33(11) & (12) of SSLEP 2006.

(b) What is the underlying object or purpose of the Standard?

SSLEP 2006 sets out the following objectives for the density development standard.

The objectives of this clause are as follows:

(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.

(c) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The objects of the Act are:

- 5(a)(i) - to encourage 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.*
- 5(a)(ii) - to encourage the promotion and coordination of the orderly and economic use and development of land.*

The proposed variation is considered to be consistent with the aims of SEPP1 and the objects of the Act. A variation to Council's maximum building height development standard is considered to be reasonable in the circumstances of the case.

(d) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

A variation to Council's maximum building height development standard is considered to be reasonable in the circumstances of the case.

(e) Is the Objection Well Founded?

Yes. The SEPP 1 Objection does provide evidence to demonstrate that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case.

SEPP 1 Conclusion:

Having regard to the object and the purpose of the standard for maximum building height it is considered that:

- (i) The SEPP 1 Objection that compliance with the development standard is unreasonable and unnecessary is well founded; and
- (ii) The granting of consent to the development application would be consistent with the aims of SEPP 1 as set out in Clause 3 of the Act.

10.2 Building Density

The proposed development fails to comply with the development standard for building density contained within Clause 35(13) of SSLEP 2006, which stipulates a maximum floor space of 1:1.

The proposed development exceeds this development standard and seeks a floor space ratio of 1.24:1.

The applicant has lodged an objection pursuant to the requirements of SEPP 1. The applicant's full SEPP 1 Objection is contained within Appendix "G" of this report and the most relevant section is reproduced below:

"The proposed variation to the building density standard is well founded for the following reasons:

- *Strict compliance with the standard would unreasonably restrict the expansion and revitalisation of the centre which aligns strategically with*

the role and function of the key established bulky goods precinct within the Sutherland Shire.

- The additional building bulk has been designed in a logical manner which strengthens and enhances the existing streetscapes along Koonya Circuit and Willarong Road. These frontages and access points to the Centre currently read as a negative void within their existing context.*
- The proposed additional floorspace does not result in any adverse traffic, density, or built form impacts.*
- Non-compliance with the standard does not raise any adverse matters of state or regional significance. Rather, the proposal is a positive response to the initiatives in the draft Centres Policy, Metropolitan Plan 2036, and draft South Subregional Strategy.*
- On balance, there will be public benefits to customers, surrounding business owners and nearby residents as a result of the proposed development, notwithstanding the proposed minor variation to the applicable density standard.”*

Analysis

Though the maximum allowable building density has been exceeded, the bulk and massing of the building have been minimised through the increase in landscaping and the use of alternative materials and finishes to soften the perceived bulk.

The general bulk and massing are in keeping with more recent development within the vicinity and are not out of character with the type of buildings within the bulky goods precinct. This proposal will also result in an increase in both deep and non deep soil landscaped area. This increase in landscaped area is of a high quality and quantity that will provide a visual buffer between the employment and residential zones.

Although the proposal seeks a 24% variation to the development standard, the building bulk has been distributed within the site to strengthen and enhance the streetscape appearance within Koonya Circuit and Willarong Road. The existing street frontages within these areas are currently unappealing and do not relate to their locality. The additional floor space, in conjunction with new landscaping, will result in creating a street frontage to Koonya Circuit consistent with the adjoining development within this area and provide a connection to other bulky goods stores within the immediate vicinity.

The Willarong Road frontage, through the extension of the building footprint, provides a street alignment more consistent with adjoining development in place of the existing open car park. The provision of a quality landscape proposal and the use of materials that relate to the residential zone provide a streetscape presentation that is more acceptable adjoining a residential zone.

As a result of amendments made to the proposal including refinement of the building form, the use of alternative materials/finishes, a significant increase in landscaped area and the recommended consent conditions, the bulk and

scale of the building are not visually dominant and as such the nearby properties are not unduly affected by the variation to the building density.

Unacceptable traffic generation is often a major constraint to the provision of excess floor space. In this case the RMS and Council's Traffic and Transport Manager are satisfied that the sophisticated traffic modelling undertaken demonstrates that the impact of the intensity of development proposed is acceptable.

It is considered that the proposed additional floor area above the maximum permissible is an orderly and economic use of the land.

Based on the factors outlined above, the granting of development consent to the proposal would be consistent with the aims of SEPP 1 and the objects of the Act. A variation to the development standard set out in Clause 35(13) of SSLEP 2006 is considered to be reasonable in the circumstances of the case.

In *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46, Justice Lloyd established a set of five (5) questions which now are an accepted convention for assessing a SEPP 1 Objection. An assessment of the SEPP 1 in accordance with this convention has been undertaken below.

(a) Is the Requirement a Development Standard?

Yes, Clause 35(13) of SSLEP 2006.

(b) What is the underlying object or purpose of the Standard?

SSLEP 2006 sets out the following objectives for the density development standard.

The objectives of this clause are as follows:

- (a) to ensure that development is in keeping with the characteristics of the site and the local area,*
- (b) to provide a degree of consistency in the bulk and scale of new buildings that relates to the context and environmental qualities of the locality,*
- (c) to minimise the impact of buildings on the amenity of adjoining residential properties,*
- (d) to ensure, where possible, that non-residential buildings in residential zones are compatible with the scale and character of residential buildings on land in those zones.*

(c) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The objects of the Act are:

- 5(a)(i) - to encourage 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.
5(a)(ii) - to encourage the promotion and coordination of the orderly and economic use and development of land.

The proposed variation is considered to be consistent with the aims of SEPP1 and the objects of the Act. A variation to Council's maximum building density development standard is considered to be reasonable in the circumstances of the case.

(d) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

A variation to Council's maximum building density development standard is considered to be reasonable in the circumstances of the case.

(e) Is the Objection Well Founded?

Yes. The SEPP 1 Objection does provide evidence to demonstrate that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case.

SEPP 1 Conclusion:

Having regard to the object and the purpose of the standard for maximum building density it is considered that:

- (iii) The SEPP 1 Objection that compliance with the development standard is unreasonable and unnecessary is well founded; and
- (iv) The granting of consent to the development application would be consistent with the aims of SEPP 1 as set out in Clause 3 of the Act.

10.3 Landscaped Area

The proposed development fails to comply with the development standard for landscaped area contained within Clause 36(5)(i) of SSLEP 2006, which stipulates a minimum landscaped area of 10%.

It should be noted that the current 10% standard was put in place after the Homemaker Centre was developed. Previously there was no numerical requirement for landscaped area. The fact that the site is essentially already fully developed at ground level with building, parking structures and driveways (apart from small landscaped strips along the main street frontages) makes it very difficult to achieve compliance with the new standard retrospectively.

The development proposes a landscape area of 2.1%, which is a slight increase from the existing landscape area of 1.9%. In addition, the total landscaped area including non deep soil has been increased to a total of 7.7%.

The applicant has lodged an objection pursuant to the requirements of SEPP 1. The applicant's full SEPP 1 Objection is contained within Appendix "H" of this report and the most relevant section is reproduced below:

“The proposed variation to the landscape area standard is well founded because:

- The existing 1.9% of landscaping (deep soil) has been retained, and the overall level of landscaping on the site has increased to 2.1%. Further, additional non-deep soil planting is proposed which increases the overall level of vegetation on the site.*
- Stormwater management measures will ensure that despite the non-compliance, the proposal will not create any adverse impacts on surrounding properties arising from a lower provision of deep soil area on site.*
- Compliance with the standard is unreasonable because the proposal positively responds to the objectives of the standard by increasing the amount of landscaping on site in a manner that will soften the visual appearance of the development and improve its overall environmental performance.*
- On balance, there will be public benefits to customers, surrounding business owners and nearby residents as a result of the proposed development, notwithstanding the proposed minor variation to the applicable landscape area standard.*

Strict application of the standard is unnecessary and unreasonable under the circumstances.”

Analysis

The proposed development will result in an increase in deep soil landscaped area from 1.9% to 2.1%, along with an increase of non deep soil from 3.3% to 5.6% to provide a total landscaped area of 7.7%.

There are limited opportunities to increase the deep soil landscaped area due to the extent of the building and carpark area constructed to within close proximity to the boundaries. Demolition and a reduction in the available parking area would be required to facilitate additional deep soil landscaped area. Reducing car parking and undertaking demolition of the building would be unreasonable and the benefits associated with this would be a minimal over what is already proposed.

The objective of Clause 36(a) is *“to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity.”* In addition, the objective of Clause 36(b) is *“to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire.”*

The proposal will result in a significant increase in ground cover plants, shrubs and trees predominantly to the Willarong Road frontage. In addition, at the request of Council, the four (4) melaleuca trees located on the Taren Point Road frontage are now to be retained. The proposed development will not result in the removal of significant trees from the Willarong Road or Koonya

Circuit frontages, consistent with this objective. Suitable tree retention and protection conditions will be applied to any development consent.

The additional landscape area will assist in minimising the amount of impervious areas, consistent with objective (c) of Clause 36.

The objective of Clause 36(d) of SSLEP is *“to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained.”*

The applicant seeks to soften the visual impact of the Homemaker Centre from the residential properties within Willarong Road through the provision of dense high quality landscaping. The proposal includes screen planting to be provided along the Willarong Road frontage to screen the building and cars and provide a substantial landscape buffer from the residential properties. The quality of landscaping to be provided to the Willarong Road frontage will ensure that the objectives of the control will be achieved.

Objective (f) of Clause 36 is a specific objective for development within land in Zone 11 – Employment. This objective states:

“to ensure landscaping carried out in connection with development on land in Zone 11 –Employment is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.”

As discussed previously the quality and quantity of planting provided will assist in screening the car parking areas and the building.

It is considered that the variation to the landscaped area development standard is consistent with the aims and objectives of Clause 36 and that the landscaping proposed as part of this development will minimise the visual bulk and scale of the building and associated carpark area. The variation to the development standard is considered to be reasonable in the circumstances.

In *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46, Justice Lloyd established a set of five (5) questions which now are an accepted convention for assessing a SEPP 1 Objection. An assessment of the SEPP 1 in accordance with this convention has been undertaken below.

(a) Is the Requirement a Development Standard?

Yes, Clause 36(5)(i) of SSLEP 2006.

(b) What is the underlying object or purpose of the Standard?

SSLEP 2006 sets out the following objectives for the landscaped area development standard.

The objectives of this clause are as follows:

(a) to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity,

- (b) to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire,*
- (c) to minimise urban run-off by maximising pervious areas on the sites of development,*
- (d) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,*
- (e) (Repealed)*
- (f) to ensure that landscaping carried out in connection with development on land in Zone 11—Employment is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.*

(c) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The objects of the Act are:

- 5(a)(i) - to encourage 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.*
- 5(a)(ii) - to encourage the promotion and coordination of the orderly and economic use and development of land.*

The proposed variation is considered to be consistent with the aims of SEPP1 and the objects of the Act. A variation to Council's minimum landscaped area development standard is considered to be reasonable in the circumstances of the case.

(d) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

A variation to Council's minimum landscaped area development standard is considered to be reasonable in the circumstances of the case.

(e) Is the Objection Well Founded?

Yes. The SEPP 1 Objection does provide evidence to demonstrate that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case.

SEPP 1 Conclusion:

Having regard to the object and the purpose of the standard for maximum building density it is considered that:

- (v) The SEPP 1 Objection that compliance with the development standard is unreasonable and unnecessary is well founded; and
- (vi) The granting of consent to the development application would be consistent with the aims of SEPP1 as set out in Clause 3 of the Act.

10.4 Parking

As stated previously, the proposed development was referred to the RMS as it is classified as Traffic Generating Development pursuant to the provisions of State Environmental Planning Policy (Infrastructure) 2007.

SSDCP 2006 states that where development is identified as Traffic Generating Development then the parking requirement specified in the RTA Guide to Traffic Generating Development should apply. The RTA guide to Traffic Generating Development states that as there is a significant variation in car parking demands for bulky goods premises, car parking requirements should be based on like existing facilities.

The applicant submitted an assessment of traffic and parking prepared by “Colston Budd Hunt and Kafes Pty Ltd”. The report assessed the traffic implications of the proposed development in relation to the existing conditions and the transport implications of the proposed development.

In relation to traffic and parking, this report concluded that the proposed parking provision is considered appropriate and the road network will be able to accommodate the additional traffic from the proposed development. The proposed development will provide a total of 592 car spaces and this is considered to be acceptable.

SSDCP 2006 requires motor cycle parking to be provided at a rate of 1/25 car spaces. The applicant has amended the plans and the proposal provides parking for 38 motor cycles, which complies with this requirement.

SSDCP 2006 further requires that 40 parking spaces be provided for bicycles. The application now provides spaces for 42 bicycles.

10.5 Streetscape & Urban Character

SSLEP 2006 contains matters for consideration in relation to urban design. Concern was raised as to how the building responded to each of the three (3) street frontages.

SSDCP 2006 contains specific objectives and controls for streetscape and building form. The site has street frontage to three (3) elevations and its presentation to the public domain is considered important, especially as the building has frontage to residential and commercial areas and the priorities of how the building responds to each street frontage differs significantly.

The applicant has amended the proposal presented at the ARAP meeting and has now satisfactorily addressed each street frontage. The amendments in response to the concerns raised are discussed below:

Koonya Circuit Frontage

The use of alternative materials including terracotta, aluminium louvres and cladding panels to the Koonya Circuit elevation has assisted in improving the presentation to Koonya Circuit. Additional landscaping has also been provided.

Willarong Road Frontage

A significant upgrade to the Willarong Road frontage including the use of terracotta, aluminium louvres and natural timber weatherboard was used to break up the built form. The ramp entry frame also assists in reducing the visual presence of the car park entry/exit ramps.

As a result of recommendations of the ARAP, the applicant has increased the amount and location of landscaping within the area between the road and the building. This has resulted in the removal of 14 parking spaces to accommodate approximately 200m² of additional landscaping.

At the request of Council, the applicant has also reduced the length of the exit driveway, resulting in approximately 100m² of landscaped area. This area now provides a grassed area that may be suitable for the purposes of an outdoor staff area. These amendments, in conjunction with previous revisions, now provide a more appropriate interface with the residential properties.

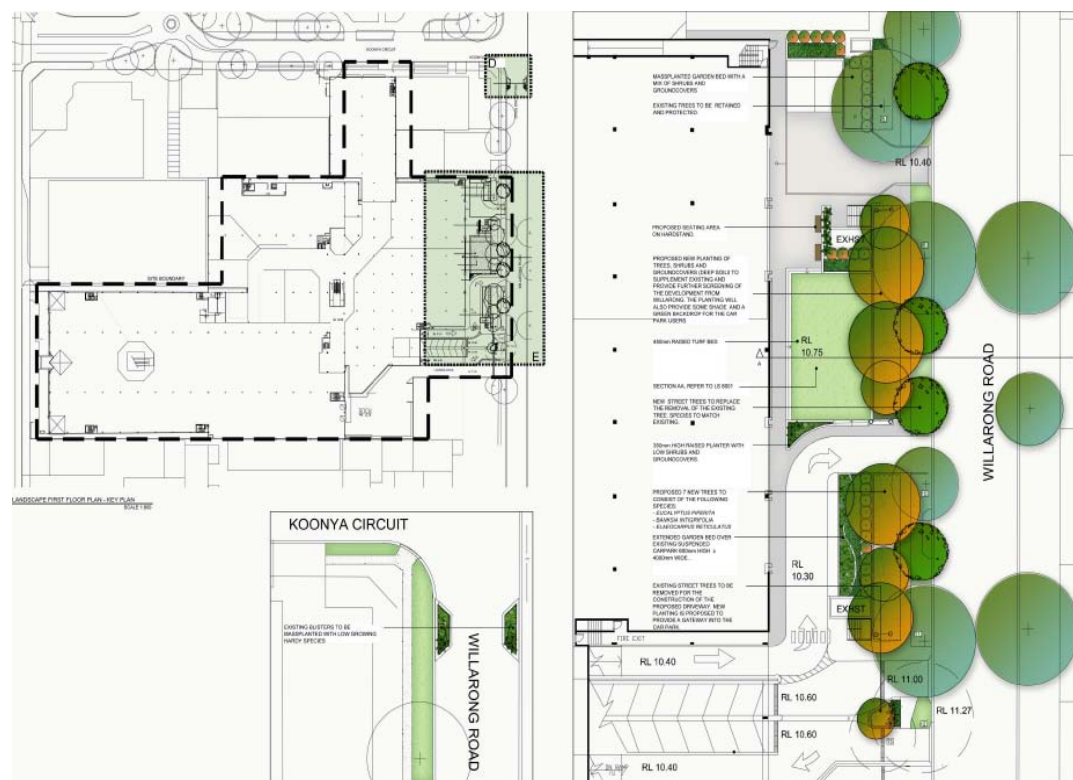


Figure 5: Proposed reconfiguration of the driveway and the landscape layout plan for the Willarong Road frontage



Figure 6: Proposed eastern elevation – Willarong Road

Taren Point Road Frontage

The use of alternative materials including terracotta, aluminium louvres and cladding panels is consistent with the other street elevations and provides a consistent design feature for all elevations.

At Council's request the four (4) melaleuca trees located along the Taren Point Road frontage will now be retained and incorporated into the design specifications. In addition, six (6) new trees along with shrubs and ground covers will be provided to further soften this elevation.

The modifications to each street frontage now satisfactorily address the concerns raised and the building is now considered to be appropriate in its context.

10.6 Signage

The existing building currently contains a number of business identification signs on the northern, southern, eastern and western elevations of the centre. The proposal includes the replacement of the existing signage as well as some new signage to address the new building frontages.

The proposed signage will occupy an area of 554.9m², which is an overall increase in signage of approximately 115m² from the existing signage area of 439.9m². This percentage increase in signage is consistent with the percentage increase in gross floor area.

10.6.1 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to the proposed signage and the application has been assessed in accordance with the relevant provisions of this SEPP.

Pursuant to definitions contained within SEPP 64 this signage is considered to be either a building identification sign or a business identification sign.

In considering an application for signage the consent authority must be satisfied that the signage is consistent with the objectives of SEPP 64 and the assessment criteria specified in Schedule 1 of the SEPP.

Having regard for the assessment criteria in Schedule 1 of the SEPP, the proposed signage satisfies the aims of SEPP 64 and will be compatible with the future and desired character of the area.

10.6.2 Sutherland Shire Development Control Plan 2006

The controls contained within SSDCP 2006 in relation to signage limit wall signage to a maximum of 20m².

The signage schedule for the development provides eight (8) signs each for the northern and western elevations and five (5) each for the southern and eastern elevations. Of these signs a majority of the signs are less than the maximum 20m².

Given the scale of the proposed development a variation to Council's control for the signs that exceed the maximum 20m² is considered to be acceptable.

10.7 Ecologically Sustainable Development

ARAP recommended that a considered commitment to providing an environmentally sustainable building would also help to justify the increased density being sought for the centre.

A revised sustainability management plan prepared by Cundall was submitted to Council with the amended plans in response to the comments and recommendations of ARAP.

Council's Urban Designer provided the following comments in relation to the amended sustainability management plan:

"A stronger commitment to providing a more environmentally sound development has been outlined within a sustainable management plan. To ensure these commitments are undertaken the following condition of consent should be applied:

- *Environmental commitments made in the Sustainable Management Plan dated 19 June 2012 shall be undertaken."*

The Sustainability Management Plan has been prepared to meet the requirements of SSDCP 2006, Section J of the National Construction Code (BCA) and to provide initiatives to reduce the environmental impact of the development.

The additional innovative ESD initiatives proposed in response to the comments from ARAP are as follows:

- Photovoltaic energy generation.
- Air conditioning controls.

- The reduction or removal of a dedicated air conditioning system in the mall, subject to tenancy agreements.
- Variable speed escalators.
- Energy optimising devices to car park lighting.
- Clerestory window to the mall only.
- Reduced embodied carbon material selections.
- Tenant energy consumption obligations in new lease agreements.

These additional commitments are seen as a positive response to the comments of ARAP and will assist in minimising environmental impacts.

10.8 Hours of Operation

The proposed hours of operation are the same as the existing hours of operation, being 7am to 9pm Monday to Friday and 8am to 6pm Saturday and Sunday. These hours are consistent with other bulky goods premises within the immediate vicinity and are considered acceptable.

10.9 Accessibility

The access report prepared by Morris-Goding Accessibility Consulting indicates that compliance with the federal Disability Discrimination Act (DDA), the Building Code of Australia (BCA) and AS1428 can be achieved. This report is accepted.

At present the centre is focussed on pedestrian access via the car parks. There is pedestrian access to Taren Point Road, however, it is via a contorted path through a retail tenancy.

To make the centre more permeable and to improve its relationship with the remainder of the bulky goods precinct, it would be desirable to have a more prominent and obvious pedestrian entry from Taren Point Road. This does not have to be through a dedicated 'public' space. It could be achieved by having a wider, clearer path through a retail tenancy like the access point currently provided into 'Harvey Norman' from the upper level car park.

The complication is that medium term leases currently in place do not allow for the reorganisation of space near the Taren point Road entry. A consent condition is recommended requiring the entry to be reconfigured once the current leases expire.

10.10 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Georges River REP)

There are no specific controls within the Georges River REP for the type of development proposed. It is considered that the aims and objectives of this plan in relation to water quality management have been incorporated into the design or could be dealt with via appropriate conditions should the JRPP decide the application is worthy of support.

10.11 Outdoor Recreation Area

The existing building does not provide a specific outdoor staff recreation area. It is not proposed under the development to provide a specific area. The

revised landscape plan for the Willarong Road setback area includes an area of lawn and some seats that could be used by staff. In addition, the proposed café and adjacent area located at ground level within the Koonya Circuit entrance will also serve as an area that can be used by staff.

11.0 SECTION 94 CONTRIBUTIONS

The proposed development is subject to the *Section 94A Developer Contributions Plan - Land within the Employment Zone*. This plan applies to applications for development consent and applications for complying development on land within Zone 11 – Employment under SSLEP 2006.

The primary purpose of the plan is:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution under Section 94A of the Environmental Planning and Assessment Act, 1979.
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area.
- To publicly identify the purposes for which the levies are required.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$20,238,000.00 of the estimated cost of development (identified on the development application form). Therefore, the Section 94A Levy contribution for the proposed development would be \$202,380.00 should the JRPP decided the application is worthy of support.

12.0 DECLARATION OF AFFILIATION

Section 147 of the Environmental Planning and Assessment, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition, Council's development application form requires a general declaration of affiliation. In relation to this development application the applicant has declared that there are no relevant political donations or affiliations.

13.0 CONCLUSION

The proposed development is for alterations and additions to the Caringbah Homemaker Centre at 41-49 Willarong Road & 29 Koonya Circuit, Caringbah. The development mostly involves the construction of an additional portion of bulky goods floor space at the first floor level fronting Willarong Road and the provision of additional parking spaces.

The subject land is located within Zone 11 – Employment pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a 'bulky goods premises' is permissible within the zone with development consent.

In response to public exhibition seven (7) submissions were received. Three (3) submissions object to the proposal and four (4) submissions are in support. The matters raised in these submissions have been discussed in this report and mostly relate to adverse economic impacts, impact on traffic and parking and the non compliance with development standards.

The proposal includes SEPP 1 Objections for variations to the maximum height, maximum building density and minimum landscaped area development standards. The SEPP 1 Objections are considered reasonable and are supported for the reasons detailed in the report. Although the proposal exceeds these standards, they do not result in unacceptable impacts upon neighbouring properties, the road network or the streetscape character.

The reconfiguration of the driveway exit point on Willarong Road to accommodate additional landscaped area along with a grassed area that could be utilised as an outdoor recreation area is a more appropriate interface with the residential properties.

The substantive issues raised as a result of the ARAP review have been satisfactorily addressed through design changes and the submission of additional information. The design and scale of the building are considered acceptable. It has been demonstrated that the proposal has now adequately met the urban design controls and objectives of SSLEP 2006 and the relevant design principles in SSDCP 2006.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. 12/0166 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 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 maximum building height development standard under Clause 33(11) & 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 18.15m in respect to this development application.
- 14.2 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 maximum building density development standard under Clause 35(13) 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 allow a 24% variation in respect to this development application.

- 14.3 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 minimum landscaped area development standard under Clause 36(5)(i) 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 allow a 79% variation in respect to this development application.
- 14.4 That Development Application No. 12/0166 for Alterations and Additions to the Existing Caringbah Homemaker Centre Including Additional Car Parking, Signage and Landscaping at Lot 101 DP 417983 (Nos. 41-49) Willarong Road, Caringbah & Lot 21 DP 800924 (No. 29) Koonya Circuit, Caringbah be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report.