

## **JOINT REGIONAL PLANNING PANEL (Sydney East Region)**

<b>JRPP No:</b>	2015SYE086
<b>DA No:</b>	DA15/0671
<b>Local Government Area:</b>	Sutherland Shire
<b>Proposed Development:</b>	Demolition of existing structures and construction of a new commercial building to be used for hardware and building supplies, with garden centre, business identification signage and car parking
<b>Street Address:</b>	Lot 1 DP 837271 - 31-35 Willarong Road, Caringbah
<b>Applicant/Owner:</b>	Bunnings Group Ltd
<b>Number of Submissions:</b>	NIL
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 million
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>• State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011 Cl.21 and Sch.4A of the Act.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>• Draft Sutherland Shire Development Control Plan 2015 (DSSDCP2015)</li> <li>• Section 94 Contributions Plans: Employment Lands s94ALevy Plan</li> </ul>
<b>Recommendation:</b>	Approval
<b>Report By:</b>	Amanda Treharne – Environmental Assessment Officer Sutherland Shire Council

### **Assessment Report and Recommendation Cover Sheet**

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## **1.0 EXECUTIVE SUMMARY**

### **1.1 Reason for Report**

This application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$20,000,000 as such is nominated under Schedule 4A (3) of the Environmental Planning and Assessment Act 1979. The application submitted to Council nominates the value of the project as \$37,703,655.00.

### **1.2 Proposal**

The application is for demolition of existing structures and construction of a new commercial building to be used for hardware and building supplies, with associated garden centre, business identification signage and car parking at the above property.

### **1.3 The Site**

The subject site is located on the eastern side of Willarong Road, Caringbah and forms a block surrounded by Koonya Circuit to the north, south and west.

### **1.4 The Issues**

The main issues identified are as follows:

- Unsatisfactory urban design/ streetscape impacts with respect to the building entry, materials and finishes of the building;
- Engineering works to the Council's roundabout;
- The extent of proposed signage.

### **1.5 Conclusion**

Following detailed assessment of the proposed development the current application is considered worthy of support, subject to a deferred commencement consent.

## **2.0 DESCRIPTION OF PROPOSAL**

An application has been received for demolition of existing structures and construction of a new commercial building to be used as a hardware and building supplies centre, with a garden centre, business identification signage and car parking at the above property.

The proposal entails demolition of the existing Bunnings Warehouse and all associated structures (including existing car park areas) and construction of a replacement building. The new building will comprise the following:

- Two basement levels for car parking comprising a basement and semi-basement level providing car parking for 408 vehicles.
- A two level hardware and building supplies centre encompassing a warehouse, covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, service road / ramps and loading areas.
- Proposed hours of operation of 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays.

The main pedestrian entrance into the development is from Koonya Circuit South. Pedestrian access into Basement Level 1 is also available from Koonya Circuit West.

Vehicular access into the basement car parking is from Koonya Circuit North, via an access ramp which runs parallel to the northern property boundary. Ramp exits from the basement are available at both Koonya Circuit North and South.

Access into and out of the timber trade sales area is from Koonya Circuit South. Delivery vehicles also access the site from the same driveway in Koonya Circuit South, but exit via a separate driveway in Koonya Circuit North.

The proposal involves the removal of 91 existing trees.

The following signage is also proposed for the building.

<b>Elevation</b>	<b>Proposed Signs</b>	<b>Area</b>
North	18.192m x 5.75m 'Bunnings Warehouse'	104.6m <sup>2</sup>
	7m x 2.5m 'Bunnings Warehouse'	17.5m <sup>2</sup>
	18.425m x 10.5m 'Hammer'	193.46m <sup>2</sup>
	'Goods inwards' 1m x 8m	8m <sup>2</sup>
<b>Total:</b>		<b>323.56m<sup>2</sup></b>
East	7m x 2.5m 'Bunnings Warehouse'	17.5m <sup>2</sup>
	6.328m x 2m 'Bunnings Warehouse'	12.65m <sup>2</sup>
	6.4m x 2.59m 'Hammer'	16.57m <sup>2</sup>
<b>Total:</b>		<b>46.72m<sup>2</sup></b>
South	18.192m x 5.75m 'Bunnings Warehouse'	104.6m <sup>2</sup>
	7m x 2.5m 'Bunnings Warehouse'	17.5m <sup>2</sup>
	18.425m x 10.5m 'Hammer'	181.1m <sup>2</sup>
	'Trade & Timber' 3m x 1.8m	5.4m <sup>2</sup>
<b>Total:</b>		<b>308.6m<sup>2</sup></b>
West	18.192m x 5.75m 'Bunnings Warehouse'	104.6m <sup>2</sup>
	18.425m x 10.5m 'Hammer'	193.46m <sup>2</sup>
<b>Total:</b>		<b>298.06m<sup>2</sup></b>

Approval for staged construction of the development is sought in the following way:

1. Early works – remediation/demolition; excavation/earthworks; provision of in-ground services including the diversion of public infrastructure; foundation work/piling.
2. Building structure – whole of building envelope including the basement.
3. Road reserve works.
4. Building complete – including mechanical and electrical services; fit-out; car parking; internal roadways and landscaping.

### **3.0 SITE DESCRIPTION AND LOCALITY**

The subject land is located at 31-35 Willarong Road, Caringbah. It comprises a rectangular parcel which forms a block, bounded by Koonya Circuit to the north, south and west and Willarong Road to the east. The site has an area of 14,620m<sup>2</sup> and falls from the north-eastern corner to the south-western corner by approximately 4.5m.

Existing on the site at present is a Bunnings warehouse, located at the eastern end of the site with a large, two-tiered hardstand car park area at the western end. The building is approximately 6,266m<sup>2</sup> in area, with an open area to the east of the building containing the outdoor timber and trade sales. The perimeter of the site is landscaped on all sides with mature trees (approximately 180).

Immediately to the north of the site is a collection of commercial buildings fronting Koonya Circuit. To the east is a residential area, comprising a mix of low density single dwellings and dual occupancies. To the south of the site is a mix of commercial buildings and the Koonya Circuit entrance to the Caringbah Homemaker Centre. To the west is a collection of take-away food restaurants including McDonalds, Subway and Oporto. These buildings are low-rise and set amidst large open car park areas, each with a frontage to Taren Point Road.

An aerial photo of the site is included below.



#### 4.0 BACKGROUND

A history of the subject site and the development proposal is as follows:

- DA10/1317 for demolition of the existing warehouse and construction of a new bulky goods retail warehouse, including outdoor nursery, timber trade area, car parking and signage was approved by the Joint Regional Planning Panel (JRPP) on 14 September 2011. The consent lapsed in 2014.
- The current application was submitted on 30 June 2015.
- The application was placed on exhibition for a period of 21 days with the last date for public submissions being 30 July 2015. No submissions were received.
- An Information Session was planned for 21 July 2015 but no one attended.
- Council officers wrote to the Applicant and their consultants on 25 August 2015 and requested that the following additional information be provided:
  - A detailed flood assessment;
  - An alternative stormwater management device to be provided within the basement;
  - Engineering matters including the provision of a footpath around the perimeter of the site; flipping over of the entry / exit points to the trade sales area; new driveway crossings in Koonya Circuit and amendment to the basement levels to remove columns from within the aisle areas.
  - Submission of omitted Traffic Modelling to be included in the Traffic Report;
  - A revised Landscape Plan showing the provision of street trees, a footpath around the entire site, the requirement for the bulk of the trees on site to be indigenous species.

- Revised plans as a result of the comments by ARAP.
- Amended plans and information were lodged on 30 September 2015.

## 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 a thorough assessment of this application. The application includes a Clause 4.6 variation to the maximum height development standard

## 6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with Council's DCP and the Environmental Planning & Assessment Regulation 2000.

108 adjoining or affected owners were notified of the proposal and no submissions were received.

## 7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone B5 – Business Development pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a building for hardware and building supplies, is permissible within the zone with development consent.

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

- Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Draft Sutherland Shire Development Control Plan 2015 (DSSDCP2015)
- Section 94 Developer Contributions Plan - Employment Lands s94A Levy Plan.

## 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	Complies
<b>Sutherland Shire Local Environmental Plan 2015</b>			
Clause 4.3 Height of buildings	Max 16m	17.9m	No
Clause 4.4 Floor Space Ratio (FSR)	Max 1.5:1 (21,930m <sup>2</sup> )	1.05:1 (15,007m <sup>2</sup> ) (includes additional car spaces above that required)	Yes
Clause 6.14 Landscaped Area	Min 10% (1,462m <sup>2</sup> )	17.8% (2,615m <sup>2</sup> )	Yes

Standard/Control	Required	Proposed	Complies
<b>Draft Sutherland Shire Development Control Plan 2015</b>			
Car Parking (DSSDCP 2015)	1 per 45m <sup>2</sup> (296 spaces required)	408 (additional car spaces have been calculated as GFA)	Yes
Setbacks Front Side Rear	9m 3m (secondary frontage because a corner lot) Nil permitted	Unique site takes in whole block. All setbacks exceed the requirements – 15.1m east; 12.9m north; 8.4m west; 7.4 – 15m south	Yes
<b>Greater Metropolitan REP No.2 - Georges River Catchment</b>			
Clause 9: Specific Planning Principles	Industrial Discharge, Urban/ stormwater runoff and water quality	Addressed in flood report/ by conditions (not a development type identified in the control table)	Yes

## 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. NSW Roads and Maritime Services (RMS)

The application was referred to the RMS for review in accordance with two State Environmental Planning Policies: namely in respect of Clause 104 of SEPP (Infrastructure) 2007 because the proposal constitutes a traffic generating development; and also with respect to Clause 18 of SEPP 64 given the proposed signage and proximity of the site to Taren Point Road (a classified road).

#### *SEPP (Infrastructure) 2007*

The RMS advised that it has no objections to the proposal subject to the layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) being in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle use.

Comment: Council's engineers have assessed the application in accordance with the relevant Australian Standards and the proposal is conditioned to comply. See comments below regarding specific engineering design changes required.

#### *SEPP 64 – Advertising and Signage*

The RMS raise no objection to the proposed signage provided it is erected wholly within the boundaries of the site.

Comment: The proposed signage is contained wholly within the boundaries of the site.

### 9.2. NSW Police Force

The application was referred to the NSW Police Force who raised the following issues and recommendations:

### ***Surveillance***

- Lighting and technical supervision

No lighting specifications are provided with the DA. Lighting must meet minimum Australian Standards – specific attention to lighting the entry and exit points from the buildings, pathways throughout the site, car park and access/ exit driveways.

- Landscaping

Key safety objective of '*to see and be seen*'. Lower tree limbs should be above head height and shrubs should not provide easy concealment. Vegetation must be kept trimmed at all times.

### ***Access Control***

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. The proposed development fails to specify access control measures (physical or symbolic barriers to restrict the movement of potential offenders) throughout the site.

### ***Territorial Reinforcement***

- Environmental Maintenance

Well maintained areas often exhibit strong territorial cues. Rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important in creating a feeling of ownership.

Graffiti resistant construction materials (less porous surfaces) should be considered.

The overall design of the outdoor landscape areas should include low barrier vegetation, bright / even lighting, wide / even paving, effective guardianship and an absence of entrapment opportunities. The development should contain clearly signposted directional signage to assist both visitors and emergency services personnel.

### ***Other Matters***

- Lighting

Recommend the use of security sensor lighting and security to monitor the site whilst under construction and when completed.

- Car Park Security

Recommended that the carpark levels be monitored by CCTV, appropriately sign-posted and patrolled by staff at peak trading times to deter potential car theft.

- Car Park – vehicle access

Boom gates and similar access control devices can be an effective means of vehicle movement and increases the effort required to steal vehicles from car park areas. The

effectiveness of these controls is increased by security supervision of the car parks and entry / exit points.

- Way-finding

Design and directional legibility is an important safety issue at these locations. Knowing how and where to enter and exit and find assistance within the development can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should reinforce but not be an alternative to legible design.

Comment: Conditions regarding lighting, landscaping and security are included in the consent. The pedestrian entry to the building is discussed further in terms of building design below.

### 9.3. Architectural Review Advisory Panel (ARAP)

The application was considered by the ARAP on 16 July 2015. ARAP was generally supportive of the proposal but with the following recommendations:

- *The main entry on the southern side of the building is re-considered to better integrate and unify a sense of identity, connection and address to the street.*
- *This could be achieved through a more contemporary architectural expression and opportunities to leverage Bunnings' distinctive social dimensions.*
- *The upper level plan is re-ordered along the Willarong Road elevation to reduce scale and present a more green and active character.*
- *Consideration is given to the materiality of the building in order to modernise its expression and presentation to the public domain.*
- *A CPTED analysis of the external areas of the site is undertaken.*
- *A public domain plan is developed with Council to include footpaths, street lighting and appropriate landscaping into the development."*

A copy of the ARAP Report is attached as Appendix "B".

In response to the ARAP recommendations the applicant has provided the following comments / revisions:

#### *Main Entry*

The applicant proposes no change to the submitted plans stating the following:

.... the entry component provides a *contemporary material expression and visual transparency, engaging with the street*. The gabled entry is a distinctive Bunnings entry feature of buildings across Australia and New Zealand. *Recent Sydney examples of similar Bunnings buildings include Alexandria, Rydalmere, Hoxton Park, North Penrith and Kirrawee. A further two warehouses are under construction at Eastgardens and Kingsgrove featuring the same Bunnings entry feature.*

Comment: Notwithstanding the fact that the proposed entry to the building mimics that of other standard Bunnings buildings, the subject site is not a standard Bunnings site. The typology of building that Bunnings has developed over the years is a 'big box' set on a large site with a sea of hardstand and car parking surrounding it. The typical entrance structure of



the gable appends the big box, but is ordinarily set well back from the street frontage, behind landscaping and parking (evident in the examples of Penrith, Kirrawee, Rockdale, Rydalmere, Hoxton Park as the applicant suggests). The entrance to all of these buildings is at grade via the carpark.

The subject site has four street frontages. It slopes from east to west, with the proposed built form utilising the slope to accommodate two levels of basement / semi-basement parking below. Whilst generous setbacks are provided to all sides of the building, the building otherwise covers the site. The applicant has opted for the southern elevation on Koonya Circuit to be the main entrance to the building.

The typical entrance structure in this instance appears out of place with the more modern metal louvers detail proposed adjacent to this. This element adds a more contemporary finish but does not address the key ARAP concern – namely that the overall design be given a more contemporary appearance, in keeping with the character of the area and the appointment of the rest of the building.

The ARAP concern regarding the importance of the southern entry and the lack of direct integration with the Koonya Circuit frontage is also supported. The current design requires people walking into the store to descend a ramp or stairs to the Basement Level 1 entry via sliding entry doors where they then traverse the travelator to the floor above. Council's preferred option would be a direct connection to the entrance or retail level of the store. The level change is marginally different up to this level as it is down to the Basement Level 1 proposed at present. A deferred commencement condition is proposed in order to allow the applicant to address this.

#### *Willarong Road Elevation*

The applicant has provided amended plans for this part of the proposed development detailed as follows:

*...additional detail has been incorporated into the design of the canopy and screen. This is achieved by way of a 'thin edge' to the canopy fascia and top of nursery screen treatment, visually treated as a white coloured alucabond band or frame element. This will present a lighter and more contemporary appearance and provide visual continuity around 3 sides of this area.*

*It is further noted that the Willarong Road frontage of the development is the most permeable, comprising generous landscape and building setbacks, acoustic screening at ground level, and open style fencing and plant life within the nursery. Of all the frontages of a Bunnings Warehouse this is the softest and lowest scale building elements and thus is appropriately located facing Willarong Road.*

Comment: The existing presentation of the building to the residential interface is poor and the approved DA10/1317 did little to improve this presentation. The proposed eastern elevation is an improvement over that approved, with reduced height and scale compared to that of the rest of the building and a reduced length of elevation. Council does not agree with ARAP regarding the veranda treatment, but does consider that the treatment of the elevation in terms of materials, finishes and colours is lacking, as is the applicant's response (above) to ARAP's comments. As with other comments regarding the building appearance and the entry structure, a more contemporary appearance would improve the eastern elevation and this important, sensitive residential interface. Deferred commencement consent is recommended in this instance to achieve an improved eastern elevation utilising different materials and finishes.

#### *Materiality of the building*

The applicant has advised that there will be no change to the proposed materials or finishes for the building, providing the following comments in response to ARAP:

- *The building form is consistent with Bunnings characteristic 'warehouse' building form*
- *Translucent wall elements will expose undesirable view of internal racking and rear of merchandise display*
- *Concrete panel walls permit colour and recessing and the use of blade elements to break down the building form*
- *Corners of the building are highlighted by colour changes and use of glazing to stairwells*
- *Glazing is focussed upon the main building entry element where pedestrian interaction and activity is highest.*

Comment: Notwithstanding the functional and corporate requirements of the Bunnings standard building, the design should be appropriate for the site and the context in which it will be located. The subject site is highly visible, taking up an entire block with four street frontages, one with a residential interface. In comparison to the approved DA10/1317, the subject proposal presents a less articulated and less contemporary design approach.

The recently constructed Chatswood Bunnings is an example of a more contemporary building than the more standard Bunnings warehouses. The detailing of the street elevation is different, utilising banding of colour and blade wall features which create a more modern and contemporary building. There is also no gabled entrance structure.

Given the nature of the subject site having four street frontages and the scale and height of the proposed building, a similar contemporary approach to the building appearance is considered appropriate. The previous DA10/1317 (now lapsed) for the site and the Chatswood example demonstrate that the applicant does deviate from its 'corporate standard model'. Deferred commencement consent is therefore recommended to require the applicant to submit amended details showing a more contemporary finish to the building which is better suited to its neighbourhood and designed for the characteristics of the site.

#### *CPTED*

The applicant submitted a report prepared by Insite Planning which addresses the principles of the Crime Prevention through Environmental Design (CPTED). The NSW Police recommendations are outlined above.

#### *Public Domain Plan*

An amended Landscape Plan was submitted by the applicant addressing footpaths around the perimeter of the site and a revised landscape scheme. Details of external lighting have not been included with the plan and will be required to be provided as a condition of consent.

#### 9.4. Architect

Council's architect is of the view that the applicant has made little change to the design of the building in terms of the matters raised by ARAP. In summary he states that *'there has been little development to the proposal in response to ARAP comments - the proposal remains a typical Bunning store. This typology of building originally sat within a large at grade car park with landscaped edges. This particular store has developed into a building that forms the edge to four streets, yet the expression of the building remains that of a typical Bunnings. A far more positive contribution to this precinct could be provided if a more considered / contemporary approach were taken to the building's design and response to its context.*

Comment: Deferred commencement consent is recommended to require a more contemporary design response to the entry element; the garden centre / eastern end of the building and with respect to the building colours.

#### 9.5. Landscape Architect

Council's Landscape Architect sought amendments to the proposed landscape plan as part of the development assessment process. As a result a revised landscape plan was submitted with the information package from the applicant in October. The Landscape Architect raises no objection to the revised proposal subject to conditions. The key design change sought relates to the installation of stairs between the main entry to the building (Warehouse Level 1) and Koonya Circuit to ensure direct access (as outlined above). The remaining conditions largely require replacement tree and plant species and requirements for tree protection.

The proposal removes 90 trees from the site, which at the Council's usual tree replacement policy of 4:1 would require the provision of 360 trees. Council's Landscape Architect has stated that in this instance only 240 trees are required. The extent of compensatory planting has been reduced as it is considered the proposed development has been sensitively designed to maintain existing bushland and trees such that it makes a positive contribution to the local landscape character.

#### 9.6. Engineering

The Council's development engineering team (including flooding and traffic) has undertaken an assessment of the application and advised that subject to suitable conditions of development consent no objection is raised to the proposal as follows:

##### *Vehicular Access-way & Parking*

No objection is raised to the proposal other than with respect to the following:

- i) Modification is required to the Koonya Circuit roundabout to facilitate truck movements; and
- ii) The proposed entry / exit roller shutters to the timber trade sales showroom be "flipped" to assist manoeuvring and queuing.

##### *Stormwater Management*

In terms of stormwater management the proposed concept plan is satisfactory. Due to flooding and capacity within Koonya Circuit South and Koonya Circuit West however, an upgrade of the public drainage system from 1 x 825mm size pipe to 2x1050mm pipes and a 375mm pipeline is required to be installed along the southern side of Koonya Circuit North.

##### *Pedestrian Access-way*

The proposed footpath gradients are acceptable having regard to AS1428.1:2006 and draft SSDCP 2015.

##### *Roadworks*

Works required to the site to facilitate the new development comprise the following:

- i) Construction of four new driveway crossings to Koonya Circuit;
- ii) Construction of footpath and associated pram ramps along the entire frontage of the site;
- iii) Construction of new trunk drainage and associated kerb inlet pits within Koonya

- Circuit;
- iv) Removal and reconstruction of the Koonya Circuit round-about, kerb returns, medians and road pavement to suit the new alignment.

### *Flooding*

The subject site is affected by the 1% AEP Flood levels. The applicant submitted a flood study (at Council's request) prepared by Cardno (NSW/ACT) Pty Ltd. The recommendations of the flood study are deemed to be acceptable.

The flood study provided the following flood levels for the site / surrounds:

1% AEP Flood Level = 6.4m AHD

Minimum Habitable / Commercial Floor Level = 6.9m AHD (1% AEP + 500mm freeboard)

Basement Crest Level = 6.6m AHD (1% AEP + 200mm Freeboard)

The flood study also recommended the upgrading of the existing public drainage system within Koonya Circuit (south) to 2 x 1050mm pipes between the existing pits shown on the civil works drawings. This requirement is conditioned as part of the road frontage design. This requirement will reduce the potential flood impacts to the subject site.

### *Traffic*

Council's Traffic Engineer assessed the revised traffic report (submitted in October) and based on this is of the view that there is no substantial change to the previous DA in terms of the likely impact on the road network. The report indicates that the increased traffic generation can be satisfactorily accommodated based on the new ingress/egress arrangements to the site and modification of the existing Koonya Circuit roundabout.

Accordingly, no objection is raised to the application subject to the inclusion of the relevant conditions from the previous consent DA15/1317. These are included in the consent.

### 9.7. Environmental Health

Council's Environmental Health officer raised no objection to the proposal subject to conditions. These are included in the recommendation.

### 9.8. Environmental Scientist

Council's Environmental Scientist reviewed the following reports submitted with the application:

- Preliminary Environmental Site Assessment for Proposed Warehouse Extension Development at 31-35 Willarong Road, Caringbah" by Environmental Investigations Services (EIS), 1 April 2015.

This report is an investigation of the site with respect to contaminated land and also includes an assessment of potential acid sulfate soil conditions.

- Flora and Fauna Assessment Report for 31-35 Willarong Road, Caringbah" by Abel Ecology, 20 May 2015.

### *Acid Sulfate Soils*

The assessment identified acidic conditions at the site which are related to the acidic nature of the soils. This is due to organic content rather than potential acid sulfate soil conditions.

The risk posed to the environment from acid sulfate soil conditions was assessed to be **relatively low** and that preparation of an ASS management plan is not required.

The report provided precautionary recommendations for the design of concrete piled footings and floor slabs that may come in contact with site soils i.e. designed to resist acid attack given the potentially aggressive soil pH conditions. The recommendations include references to Australian standards and technical notes. Conditions in this regard are included in the consent.

### *Contamination*

The site investigations found high levels of copper, nickel and zinc in the groundwater samples. The applicant's environmental consultants have explained these results as being associated with water related infrastructure and the regional groundwater conditions rather than being related to a site specific issue.

Council's Environmental Scientist supports this justification as this is often the case with these types of commercial/ industrial sites i.e. there were no other contaminants detected and regional groundwater conditions can influence the sampling results.

The investigation outlined that the areas of environmental concern (relating to land contamination) pose relatively low risk to the site receptors. The consultants have stated that the site is suitable for the proposed warehouse development.

Council's Environmental Scientist notes that soil sampling was only undertaken at the external areas of the site, i.e. car park and other sealed areas. No soil sampling was undertaken within the footprint of the existing warehouse – as these areas were inaccessible during the site investigation. In order to address these areas Council's Environmental Scientist suggests a precautionary condition to address the unexpected finds of contaminated land during site works.

The contaminated land report highlighted a data gap relating to the presence of hazardous building materials in the existing buildings which was not assessed. Council's Environmental Health Officer has provided conditions in this regard.

### *Fauna and Flora*

The ecology report indicates that the existing vegetation is consistent with a planted landscape (as expected). No recommendations have been made and there are no outstanding issues regarding Flora and Fauna that require consideration.

### 9.9. Building Officer

The application was considered by Council's Building officer. This involved a review of the Building Code of Australia Assessment Report prepared by Steve Watson & Associates submitted with the application. The Report concludes that the building demonstrates non-compliance with the BCA but this can be addressed by alternative solutions which will be certified by an Accredited Fire Engineer, prior to the issue of a Construction Certificate.

The Building officer considers that this is acceptable subject to the imposition of a condition on the consent requiring compliance with the Steve Watson BCA Report.

## **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

A maximum building height of 16m applies to the site pursuant to Clause 4.3 and the Height of Buildings Map of SSLEP 2015. The proposal has a maximum height of 17.9m for part of the western / north-western parapet and roof of the building (furthest away from the residential land). The height breach occurs as a result of the slope of the site and the functional requirements of the building. The proposal therefore fails to comply with the height of buildings development standard in clause 4.3 of SSLEP 2015.

The objectives of the height of buildings development standard set out in clause 4.3 (1) of SSLEP 2015 are as follows:

- (a) *to ensure that the scale of buildings:*
  - (i) *is compatible with adjoining development, and*
  - (ii) *is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and*
  - (iii) *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 in those zones,*
- (f) *to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.*

Objectives (a), (b), (c), (d) and (f) are relevant to the proposal and are considered to be achieved as follows:

The large majority of the building complies with the maximum height limit, with the eastern end of the building well below the maximum (between 12 and 14m). The reduced building height at the eastern end is a response to the site context and the need to achieve a transition in built form with the adjacent residential development on the eastern side of Willarong Road.

The proposed new building is set well back from all four street frontages, in excess of the 9m and 3m secondary street frontage requirements. This ensures that the scale and visual impact of the increased height is reduced, with large landscaped buffers and the retention of established trees fringing the site.

The increased building height does not result in any reduction of views, loss of privacy or overshadowing impacts.

The proposed development is located within Zone B5 – Business Development. The objectives of the B5 zone are as follows:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To promote uses that do not detract from the role and function of existing centres in the retail hierarchy of Sutherland Shire.*

- *To enhance the visual appearance of the area by ensuring new development achieves high architectural and landscape standards.*
- *To ensure that development does not have an adverse impact on the effective operation and safety of main roads.*

The proposal is consistent with the objectives of the zone to the extent that it represents a redevelopment of an existing Bunnings site. The Bunnings use is appropriate in this location as it supports the viability of other nearby centres without detracting from their role or function. Council's engineers have assessed the traffic impact of the additional floorspace and vehicle movements of the new building and the proposal is acceptable subject to conditions.

Concern is raised that the building as presented does not achieve a high architectural standard, having regard to the proposed entry structure and treatment of the eastern end of the building. It is considered that deferred commencement consent can address these shortfalls. Reconsideration of the colour finish for the building in terms of utilising colour banding is also required to assist with the visual appearance of the building. Subject to these elements the proposal is consistent with the B5 zone objectives.

The applicant has lodged a written request in accordance with the requirements of clause 4.6 of SSLEP 2015 with respect to the height standard.

A full copy of this request is held at Appendix "C" and the most relevant points are summarised below:

- *The existing levels across the site are no longer original and natural levels and reflect previous works and improvements undertaken to the site. The non-compliance is only the result of a step in the site which is an arbitrary, albeit currently existing surface. This means that the same parapet is complying for one part of the site and only becomes non-complying due to a drop in the existing ground level rather than as a result of any increase in height or step in the parapet. Given the arbitrary nature of the existing site levels, strict compliance with a height line which is derived from this surface is unreasonable and some flexibility is appropriate in such a circumstance.*
- *The proposed development provides a specific and sensitive response to the condition of each of its elevations. In particular, the eastern interface with the residential properties across Willarong Road is sensitive and the proposal has been specifically designed to provide a much lower height to this interface to transition down to the lower scale of the dwellings opposite the site. The non-compliance with the height control occurs at the opposite end of the site along the western side where the interface is to fast food restaurants which face Taren Point Road. Accordingly, the proposal provides a balanced interface with its neighbours and transitions in height from east to west with the non-compliant height along the western boundary offset by the low scale along the eastern boundary.*
- *The greatest extent of the non-compliance is for the ridge which is not visible from the public domain as it is obscured by the parapet. The non-compliance of the parapet only occurs towards the western end of the site and the magnitude of the variation within the context of the site is such that there is limited if any visual impact as a result of the non-complying areas of parapet.*
- *The scale of the building is compatible with the building heights in the vicinity of the site.*
- *The variation of the height control is to maintain the necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact.*
- *Notwithstanding the proposed variation to height, the proposed development results in decreased overshadowing of the public domain and adjacent buildings because the*

*southern street building is setback between 7.4 metres and 15m which is substantially greater than the minimum 3 metre requirement under the DCP.*

- *The variation to the height of buildings control does not result in any privacy or view loss impacts on the adjoining properties.*

The definition of building height contained within the Dictionary of SSLEP2015 specifies existing ground level. There is no distinction between natural or original levels as discussed by the applicant. The ground level of the site varies, falling from the eastern side to the west by approximately 4.5m. The proposed new building is partially excavated, with two levels of basement occurring around the middle of the site, but with only 1 level below towards the western end as a result of the change in level. Whilst the applicant could have further excavated the building, this would have led to access issues towards the eastern end of the site and would not have resulted in significant visual change to the building. The proposed height sits comfortably in context with the surrounding developments in the Taren Point bulky goods/ business development area, including the Homemaker Centre, which presents a significantly larger building mass to the south-west, including a multistorey above-ground car park.

The height non-compliance is largely isolated to the roof ridge and parapet at the least sensitive edge of the site, towards Taren Point Road. In the context of other architectural changes and minor finishes details such as colour banding which have been conditioned, the height non-compliance can be supported.

The applicant's written submission demonstrates that compliance with the height development standard is unnecessary in the circumstances and satisfies the Clause 4.6 criteria. It also demonstrates sufficient environmental planning grounds to justify varying this development standard. The proposed variation does not raise any matters of State or regional environmental planning significance.

In conclusion the variation to the height development standard satisfies all relevant parts of clause 4.6 and therefore can be supported, subject to the imposition of appropriate conditions of consent.

## 10.2 Streetscape and Built Form

Clause 6.16 of SSLEP 2015 contains matters for consideration in relation to urban design. The application fails to adequately address these matters. Specifically concerns remain in relation to the quality of the design of the main entry to the building, the eastern elevation and the relationship of this interface with the neighbouring residential development and the overall aesthetic of the building.

In addition, draft SSDCP 2015 contains specific objectives and controls for streetscape and building form. The relevant objectives set out in section 2.1 state the following:

1. *To ensure that elements of development visible from the street, waterways and public domain make a positive contribution to the locality.*
2. *To achieve quality architecture in new development through the appropriate composition and articulation of building elements, textures, materials and colours that respond to the building's use.*
3. *To create entrances and site layouts which provide a desirable and safe identity for the development and which assist in visitor orientation.*

In Sections 9.3 and 9.4 of this report, Council's ARAP and internal architect raise concerns with the aesthetic of the building. In its report ARAP stated that:



*'This is a very large building that will dominate the context for many years. At some point it will become evident that the existing aesthetic character of a Bunnings store is given a more contemporary design update – this can be relatively easily achieved by some thoughtful architectural principles that refine the massing and composition of the built form, updating of the entry pavilion design and providing innovation in the expression of the upper level garden nursery veranda element.'*

The issue of the visual aesthetic of the Bunnings building and the importance of the site in the Taren Point bulky goods precinct was raised with the previous DA for the site (DA10/1317). The development as approved reflects this with the inclusion of a more contemporary entry structure on two elevations of the development (south and west) – albeit both are superficial rather than being incorporated as part of the building design as suggested by ARAP. The integrated entrance structure is pivotal in terms of linking the building with the public domain and resulting in a pedestrian friendly building (objective 3 of draft SSDCP2015) rather than just a car-based operation.

ARAP has suggested that an improved aesthetic for the building could extend to a reconsideration of the standard Bunnings materials and finishes. The Chatswood building and the approved DA10/1317 both incorporate a different palette of materials and finishes which could be incorporated into the subject building design. A condition has been included as part of the deferred commencement requiring a revised colour scheme for Council's consideration.

In comparing the subject proposal with the approved DA it is considered that the proposed eastern elevation fronting Willarong Road is a substantial improvement. Subject to further minor refinement in terms of materials or finishes (addressed by way of deferred commencement), this aspect of the development will result in a positive contribution to the streetscape.

Overall, the proposal could result in an improved streetscape presentation, reflecting a more modern and dynamic vernacular, without compromising the functionality or corporate requirements of the Bunnings brand. This would ensure quality architecture for the biggest building on a highly visible site in what is the start of redevelopment of the precinct.

### 10.3 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 the proposed signage is considered to be either business identification signage.

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. Schedule 1 requires consideration of the following:

<b>Heading</b>	<b>Consideration</b>	<b>Complies</b>
<b>Character of the area</b>	<ul style="list-style-type: none"> <li>• <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></li> <li>• <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></li> </ul>	<p>The proposed signage is reasonable given the scale of the building and the character of the locality</p> <p>No specific DSSDCP2015 controls apply to the site.</p>

<b>Special areas</b>	<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	Signage on eastern elevation is reduced in scale to reflect interface with residential. Only 1 sign considered necessary on the elevation. Conditions imposed requiring removal of 2 proposed signs
<b>Views and vistas</b>	<ul style="list-style-type: none"> <li>• <i>Does the proposal obscure or compromise important views?</i></li> <li>• <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></li> <li>• <i>Does the proposal respect the viewing rights of other advertisers?</i></li> </ul>	<p>No views obscured by signage</p> <p>No signage dominates the skyline or reduces vista quality</p> <p>No other advertisers relevant to the site</p>
<b>Streetscape, setting or landscape</b>	<ul style="list-style-type: none"> <li>• <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></li> <li>• <i>Does the proposal screen unsightliness?</i></li> <li>• <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></li> <li>• <i>Does the proposal require ongoing vegetation management?</i></li> </ul>	<p>Proposed signage is appropriate in the context of the building scale and commercial setting. Signage assists to provide visual interest to otherwise large blank walls. Minimal signage per elevation rationalizes overall signage.</p> <p>No signage protrudes above the building</p> <p>Wall signage only.</p>
<b>Site and building</b>	<ul style="list-style-type: none"> <li>• <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i></li> <li>• <i>Does the proposal respect important features of the site or building, or both?</i></li> <li>• <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></li> </ul>	<p>Proposed signage is compatible with size and scale of the building.</p> <p>Yes</p> <p>Standard signage painted on building in corporate style.</p>
<b>Associated devices and logos with advertisements and advertising structures</b>	<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	'Hammer' logo on all four building elevations. Associated slogan to be deleted by way of condition of consent.
<b>Illumination</b>	<ul style="list-style-type: none"> <li>• <i>Would illumination result in unacceptable glare?</i></li> <li>• <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></li> <li>• <i>Would illumination detract from the amenity of any residence or other</i></li> </ul>	<p>Signage is proposed to be painted onto the building. No illumination proposed.</p> <p>Condition to limit any illumination of signage on eastern elevation fronting</p>

	<i>form of accommodation? Can the intensity of the illumination be adjusted, if necessary?</i> <ul style="list-style-type: none"> <li>• <i>Is the illumination subject to a curfew?</i></li> </ul>	Willarong Road residential area.
<b>Safety</b>	<i>Would the proposal reduce the safety for any public road?</i> <ul style="list-style-type: none"> <li>• <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></li> <li>• <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></li> </ul>	The proposed signage will be fully contained within the boundaries of the site and represents no traffic or pedestrian safety hazards.

Chapter 34 of DSSDCP 2015 specifies that wall signs shall not exceed a total area of 25% of the elevation above awning level.

The proposed building has four elevations. The signage proposed for each of the elevations is less than the maximum 25%. Notwithstanding the signage area compliance, it is considered that the three signs proposed for the eastern elevation fronting Willarong Road is unnecessary given the low density residential nature of the neighbourhood along that street frontage. The Hammer logo and slogan for one of the signs appears 'squeezed' in between the parapet and the roof of the bagged goods and is conditioned for removal. The higher of the two 'Bunnings warehouse' wall signs is also recommended to be deleted.

Other DSSDCP2015 controls include maximum 300mm protrusion from the face of the wall; no protrusion above the parapet of the building; and signage to be integrated with the design of the building. The majority of the painted wall signs do not protrude from the face of the building, or project above the parapet and are appropriately located within the face of the building, with the exception of the 'Hammer' logo on the south elevation. This partially disappears off the parapet and appears too large for the wall face area. A condition has been included in the consent to reduce the size of this to fit within the wall face.

The previous DA for the site (DA15/1317) required that signage be restricted to the Bunnings warehouse wording and the hammer logo. The associated wording of '*lowest prices are just the beginning...*' is considered to be a 'wall advertisement' for the purposes of SEPP 64. The same approach was taken with the Chatswood Bunnings. A condition has been included in the consent requiring the slogan to be deleted from each of the building elevations.

Subject to the above conditions, the signage is considered appropriate for the site.

#### 10.4 Parking

The subject proposal includes on-site parking provision for 408 vehicles. DSSDCP2015 requires a total provision of 296 spaces based on a requirement of 1 space per 45m<sup>2</sup> for business or retail activity. The oversupply of parking is supported given the nature of the Bunnings activity and the shortage of on-street parking in the vicinity of the site. It will also ensure no spillover parking occurs within Willarong Road.

The additional 112 car spaces must be calculated as gross floor area pursuant to SSLEP2015, which at a rate of 2.4 x 5.4m per car space, results in an additional 1,451m<sup>2</sup>. This has been added to the actual gross floor area of the building (refer Table above).

#### 10.5 Timber trade sales area

The timber trade sales area is located at the eastern end of the main warehouse. Vehicles accessing the timber trade sales use the driveway located in Koonya Circuit South, also used by service vehicles. Exiting vehicles will also use this driveway. To access the timber trade sales area for pick up purposes from the proposed car parking areas, customers (including those with trailers) will exit the car parking area across the site's southern boundary into Koonya Circuit, turn left and re-enter the site into the specific timber trade sales area.

Entry into the timber trade sales area will be controlled by a boom gate. Council's engineers are concerned that the current layout of the proposed entry / exit arrangement will result in queuing and manoeuvring difficulties. As such a condition has been included in the consent to require the proposed entry/exit roller shutters to the timber trade sales showroom to show the entry on the left hand side and the exit and boom gate on the right hand side.

#### 10.6 Hours of Operation

The applicant is seeking the following hours of operation for the premises.

6.00am to 10.00pm Monday to Friday  
6.00am to 7.00pm Saturdays, Sundays and Public Holidays.

The proposed hours are considered to be excessive having regard to the proximity of the site to the residential properties in Willarong Road. DA10/1317 imposed a condition restricting the hours to the following:

7am to 9pm Mondays to Fridays  
8am to 6pm Saturdays, Sundays and Public Holidays

This is similarly consistent with the recommendation of Council's Health officer that the delivery and collection of goods not occur prior to 7am or after 9pm Mondays to Saturdays and 8am or 6pm Sundays and Public Holidays.

The previous consent (DA10/1317) also included a condition which enabled staff and contractors to access the site 1 hour before and after the opening and closing hours. This is considered reasonable in terms of balancing the operational requirements of the applicant and the protection of residential amenity for local residents.

The acoustic report by Wilkinson Murray Pty Ltd submitted by the applicant recommended that the loading dock not be used between the hours of 6am – 7am to minimise the noise impact on the surrounding environment. This restricts the type of activity which can be undertaken by staff or contractors during the 1 hour on site prior to opening of the premises and is included as a separate condition of consent.

A number of other noise conditions are imposed in the consent to ensure the development minimises any adverse amenity impact.

#### 10.7 Pedestrian Access

Two (2) pedestrian entry/exit points are proposed to the site. The main entry is on the southern side of the building via a set of stairs and ramp to the Basement Level 1. Design changes are required to this (as discussed above) to create an improved pedestrian entry and connectivity with the building and streetscape. The secondary pedestrian entry / exit point to the site is on the western side of the building, via a ramp from Koonya Circuit to Basement Level 1. Both of the proposed pedestrian entry/exit points are located clear of any proposed vehicular entry and exits. Subject to resolution of the main entry design of the

building (discussed above), the proposed pedestrian access to the building will be satisfactory.

## **11.0 SECTION 94 CONTRIBUTIONS**

The proposed development is likely to increase employment growth in the precinct and will require the provision of additional public facilities to meet additional demand. In order to provide high quality and diverse public facilities, the proposed development will attract Section 94A Contributions in accordance with Council's adopted contribution plan for Employment Lands.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$37,703,655.00 (the estimated cost of development identified on the development application form). Therefore, Section 94A Levy contributions for the proposed development would be \$377,036.55.

## **12.0 DECLARATION OF AFFILIATION**

Section 147 of the Environmental Planning and Assessment Act, 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 a declaration has been made that there is no affiliation.

## **13.0 CONCLUSION**

The proposed development is for the demolition of the existing buildings and structures and construction of a new commercial building to be used for hardware and building supplies, garden centre, business identification signage and car parking at 31-35 Willarong Road, Caringbah.

The subject land is located within Zone B5 Business Development pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a building for hardware and building supplies, is a permissible land use within the zone with development consent.

In response to public exhibition no submissions were received.

The proposal includes a Clause 4.6 variation to building height. The variation has been discussed and is considered acceptable. The proposal entails the replacement of an existing Bunnings Warehouse with a similar, yet larger and intensified facility and is comparable to a recently approved development on the site from 2011 which has lapsed. Subject to adequately satisfying the recommended design changes in terms of the building's interface with its neighbourhood, the proposal is considered acceptable. A deferred commencement consent is seen as the best way to address these matters as the proponent seeks to install a 'corporate standard' design on a site which calls for a locally tailored solution, and Council wants to remain constructively involved in this process. Issues relating to stormwater and landscaping remain to be fully resolved but have been addressed by operational conditions.

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. DA15/0671 may be supported for the reasons outlined in this report.

## **14.0 RECOMMENDATION**

- 14.1 That Development Application No. DA15/0671 for demolition of the existing buildings and structures and construction of a new commercial building to be used for hardware and building supplies, garden centre, business identification signage and car parking at Lot 1 DP 837271 31-35 Willarong Road, Caringbah be approved, subject to deferred commencement consent detailed in Appendix "A" of the Report.