

2010SYE114 – 31 Willarong Road, Caringbah  
DA10/1317

## ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
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## DRAFT CONDITIONS OF DEVELOPMENT CONSENT Development Application No. 10/1317

### GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

#### 1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the architectural plans prepared by John R Brogan and Associates; Project No. 1002; Drawing Nos. 010 (A), 100(E), 101(G), 102(I), 103(I), 104(H), 110(H), 120(D), 121(D), 122(D), 125(D), 126(D), 127(E), 128(C), 129(E), 130(F), 131(E); engineering drawings prepared by C & M Consulting Engineers; Project No. 0571; Drawing Nos. DA01(C), DA02(J), DA03(G), DA04(E), DA05(G), DA05A(A), DA06(D), DA07(D), DA8(C), DA09(C), DA10(B) and any details on the application form and on any supporting information received with the application except as amended by the conditions specified and imposed hereunder.

##### **Note 1:**

Nothing in this development consent whatsoever approves or authorises the commencement, erection or construction of any building, construction or subdivision works.

##### **Note 2:**

Prior to the commencement of any building, construction, or subdivision work being carried out a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

##### **Note 3:**

Should the development the subject of the consent involve the subdivision of land and the issue of a subdivision certificate as defined under section 109c(1)(9) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

##### **Note 4:**

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from the PCA.
- b) Notification of the commencement of building and/or subdivision works with a minimum of 2 days notice of such commencement.

#### 2. Prescribed Conditions - General

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of

the Environmental Planning and Assessment Regulation 2000.

**A. Compliance with the Building Code of Australia**

The development must be carried out in accordance with the provisions of the Building Code of Australia.

Note: The Disability (Access to Premises - Buildings) Standards 2010 commenced on 1 May 2011. Any application for a construction certificate will need to demonstrate compliance with this Standard.

**B. Details to be provided to Council with the Notice of Commencement**

Builders and Insurance details required under part B above shall be provided to Council with the Notice of Commencement. In relation to non-residential building work Builders details shall be provided to Council with the Notice of Commencement.

3. Approvals Required under Roads Act or Local Government Act

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater; or
- i) Constructing a vehicular crossing or footpath.

**An application, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing.**

**Note - Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.**

4. Changes to Parraweena Road Intersection

To improve traffic flows in the general vicinity of the subject site, the traffic control signals and associated linemarking and signposting at the intersection of Taren Point Road and Parraweena Road shall be altered so as to prohibit right turn movements from Parraweena Road into Taren Point Road (west to northbound). For this purpose the applicant shall submit revised TCS Plans to the RTA for approval or engage the RTA to undertake the required changes. The RTA must provide a final consent for each specific change to the traffic control signals and associated linemarking and signposting prior to the commencement of any works on Parraweena Road or Taren Point Road.

5. Specified Truck Haulage Route

To minimise the impact on nearby residential properties during the demolition, excavation and construction phases of the approved development all vehicles involved in the demolition, excavation and construction phases on the site shall use the Koonya Circuit intersection at Taren Point Road. Demolition, excavation and construction vehicles shall not use Willarong Road.

6. Signage

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

- (a) the "hammer" logo shall be deleted and the "Bunnings Warehouse" sign reduced in size to have maximum dimensions of 9.8m wide by 2.8m high.  
or
- (b) the "hammer" logo and "Bunnings Warehouse" sign shall be incorporated into one sign with maximum dimensions of 9.8m wide by 2.8m high.

7. Safer By Design

To ensure appropriate levels of safety within the completed development the following matters shall be incorporated into the design:

- a) The basement walls and ceiling are to be painted white.
- b) Lighting must meet or exceed Australian Standards for lighting 1158.3.1. Lighting must be designed to reduce glare and pools of light and dark.
- c) Access control devices must be installed on all entry points to the underground car park to restrict access outside operating hours.
- d) The internal walls and balustrading encompassing the travelators on all levels shall be constructed from a transparent material to increase opportunities for passive surveillance.
- e) A Closed Circuit Television System (CCTV), which complies with Australian Standard - CCTV AS:4806, shall be installed within the development, including the basement, to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour.
- f) A monitored intruder alarm system which complies with Australian Standard - Systems Installed within Client Premises, AS:2201 shall be installed within the premises to enhance the physical security and assist in the detection of unauthorised access to the development.

A certificate issued by an appropriate accredited person to the effect that these design requirements have been met shall accompany the Occupation Certificate.

8. Nursery Waste Water Recycling System

To ensure that there is no adverse impact on the environment a suitably designed Nursery Waste Water Recycling System shall be installed. This system shall ensure that fertilizers, pesticides, soils, mulch, and propagules, including seeds, roots, cuttings, leaves etc shall be prevented from entering the public drainage network.

Certification shall be provided from a suitably qualified Civil / Environmental Engineer that the above condition has been complied with. This certification shall accompany the application for a Occupation Certificate.

### **Bonds and Contributions**

The following security bonds and contributions have been levied in relation to the proposed development.

9. **Environmental, Damage & Performance Security Bond**

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least 2 days **prior** to the commencement of works.

Should any public property and / or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be determined as follows:

Development Value	Refundable Deposit ♦
Less than \$50,000 ♦♦	\$2,110.00
\$50,000 - \$150,000	\$2,110.00
\$150,001 - \$300,000	\$3,110.00
Greater than \$300,000	\$5,110.00
Swimming Pools	\$2,110.00
Demolition / Earthworks	\$3,110.00

- ♦ Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately.
- ♦♦ Development valued at less than \$50,000 only where:
  - deliveries or removal of materials occur in vehicles of Small Rigid Vehicle (4.0 tonnes) size or larger and / or
  - there is delivery or removal of construction machinery, and

- a constructed footpath or a stormwater pit exists along the frontage of the property or within 10 metres on either side of the property.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

10. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

### **Section 94 Contributions**

The following contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

11. S94A - Contribution for Employment Zoned land S94A Levy Plan

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Employment Zoned Land, a contribution of \$310,860.26 shall be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

$$\text{Current outstanding Contribution} \times \text{current IPD} \div \text{previous year's IPD}$$

Payment shall be made prior to the issue of the Construction Certificate.

The Contributions Plan may be inspected or a copy purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

### **MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

12. Design Changes Required

To reduce the environmental and/or ecological impact of the development proposal, the following design changes shall be implemented:

- a) Prior to commencement of any demolition or excavation works the submitted construction site management plan (CSMP) shall be amended to include :

- i) A vehicle wheel wash facility at each proposed site exit facility, which shall be designed and constructed to ensure that soil sediment is not tracked from the site on the wheels of departing vehicles.
  - ii) A Dilapidation Survey Report over adjacent public areas and any nearby properties likely to be affected by demolition, excavation or building activities.
  - iii) Site vehicle details and a construction phase traffic management plan to ensure adequate levels of public safety and convenience are maintained.
- b) The proposed car parking area shall be generally signposted and linemarked in accordance with AS/NZS2890.1:2004.
- c) The northern exit ramp shall be widened to 8m for the first 6m inside the property boundary and the concrete footpath crossing at the northern entry/exit point shall be splayed at 60 degrees to the property boundary to provide adequate storage for vehicles turning right from the site and assist the ease of left turn movements to and from the site.
- d) The car park exit ramp across the northern boundary shall incorporate linemarking and directional arrows to separate left turning and right turning vehicles. In addition suitable measures shall be implemented at this location to address the issue of pedestrian safety along the public footpath area to the satisfaction of Council's Civil Assets Manager.
- e) A revised Stormwater Management Plan (based on the plan prepared by C & M Consulting Engineers Report No. R00571-SMP). This plan shall be updated to demonstrate that Stormwater Quality Targets contained within clause 5.f.2 of Chapter 8 of SSDCP 2006 are achieved. The use of Enviropods shall be deleted from the design and replaced with CDS devices or equivalent.
- f) Additional bike racks shall be provided within the development sufficient to accommodate a minimum of 30 bicycles.
- g) All reference to external walls of the bagged goods and outdoor nursery area being finished in green shade cloth is to be deleted from the plans. These external walls are to be finished with "green perforated metal mesh infill".

Details of these design changes shall accompany the Construction Certificate.

### 13. Detailed Landscape Plan

A Detailed Landscape Plan shall be prepared by an experienced Landscape Designer (a person eligible for membership of the Australian Institute of Landscape Designers and Managers) or Landscape Architect (a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect).

The plan shall accord with Section 6.7 of Councils Landscape Development Control Plan, which sets out the requirements for a Detailed Landscape Plan, and the relevant conditions of this consent.

The Detailed Landscape Plan shall be based on the Concept Landscape Plan No. 1710LP 01 (revision F) 1710LP 02 (revision F) and 1710LP 03 (revision D) prepared by John Locke and Associates Landscape Architecture and shall

address the following:

- a) To compensate for the trees being removed to the west of the northern carpark exit, three (3) additional trees are to be planted in this general area. These trees shall be either *Angophora costata* or *Eucalyptus saligna* or a combination of the two (2).
- b) The signage detailed in the landscape plan elevations does not form part of this approval and should be deleted from the detailed landscape plan.

The Landscape Designer or Landscape Architect shall provide written certification to the Accredited Certifier that the Detailed Landscape Plan has been prepared having regard to the requirements of this consent. This certification and the Detailed Landscape Plan shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.

14. Design and Construction of Works in Public Areas

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve as specified by Council's Civil Assets Manager (Engineering Division):

- (a) Temporary concrete or stabilised footpath crossings for construction vehicle access.
- (b) New or modified stormwater drainage facilities in Koonya Circuit,
- (d) Demolition of existing kerb and gutter at the proposed points of access and replacement with a concrete layback crossing.
- (e) Removal of all redundant layback crossings and reconstruction with integral concrete kerb and gutter.
- (f) Removal of all redundant footpath crossings and reinstatement in accordance with Council's requirements.
- (g) Construction of concrete footpath crossings in Koonya Circuit as per approved development plans, to the profile, levels and specifications issued by Council.
- (h) Construction of a 1.20m wide concrete footpath across the full frontage of the site.
- (i) Regrading, topsoiling and turfing of the footpath area to final design levels across the full frontage of the site and across adjacent properties where existing levels are altered and to all disturbed areas.
- (j) Erosion and sediment controls.
- (k) Provision of street landscaping and tree planting as specified by Council.
- (l) Adjustment to public utilities infrastructure where required.
- (m) Provision of new or modified linemarking and regulatory signposting as specified by Council's design plan.
- (n) Permanent and / or temporary anchors for lateral support of onsite retaining structures,
- (o) Construction hoardings.
- (p) Modifications to the existing raised threshold in the western leg of Koonya Circuit,
- (q) Modifications to the existing roundabout facility in Koonya Circuit.

An application under the Roads Act, together with the necessary fee, shall be



submitted and alignment levels shall be issued by Council prior to the issue of a Construction Certificate. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in enforcement action by Council.

Any survey or design plans deemed necessary for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site.

15. Site Management Plan and Construction Traffic Management Plan

An Environmental Site Management Plan and Construction traffic Management Plan shall accompany the Construction Certificate. The Site Management Plan shall satisfy the Objectives and Controls in Part 4 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and shall address the following:

- a) What actions and works are to be employed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, and the like.
- b) The proposed method of loading and unloading excavation machines, building materials.
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition / construction.
- d) How it is proposed to ensure that material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be certified by a Certifier accredited in civil engineering.
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas for revegetation.

The Construction Traffic Management Plan shall detail:

- a) How traffic will be managed during the construction phase.
- b) Traffic volumes.
- c) Truck movements. Note the truck haulage route shall be via Koonya Circuit to Taren Point Road.

Note: The footpath and road reserve shall not be used for construction purposes (including storage of skips or building materials, standing cranes or concrete pumps, erecting hoardings, or as a construction zone) unless prior approval has been granted by Council under the Roads Act 1993.

16. Access Application

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area. The proposal shall comply with the levels issued by Council and a copy of the issued levels shall accompany the Construction Certificate.

17. Road Opening Approval Required

No work whatsoever shall be carried out within the Public Road Reserve unless a "Road Opening Permit" under the Roads Act, 1993 (NSW) has been issued by either Council or the Roads and Traffic Authority for every opening of the public road reserve.

Note: An application fee is payable for this application.

18. Nomination of Engineering Works Supervisor

Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - i) all relevant statutory requirements;
  - ii) all relevant conditions of development consent;
  - iii) construction requirements detailed in the above Specification; and
  - iv) the requirements of all legislation relating to environmental protection;
- b) on completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval; and
- c) certify that the Works As Executed plans are a true and correct record of what has been built.

19. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Plans will be stamped appropriately.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details – see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over / Adjacent to Sydney Water Assets – see Building Development and Plumbing then Building and Renovation.

20. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities including cable television network providers in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

21. Acoustic Fencing

To minimise the noise impact on the surrounding environment, a solid fence, without gaps, shall be constructed on the eastern boundary to reduce delivery vehicle noise and operational noise to residential receivers. This shall be constructed in accordance with the recommendations of the submitted acoustic reports prepared by Indigo Acoustics, report numbers 10-299 and 10-299A. Details shall be provided with the Construction Certificate.

22. Plant Equipment

To minimise the impact on the surrounding environment, all plant located in Parking Level 1 on the Willarong Road elevation shall be mounted on suitable anti-vibration mounts as recommended in the submitted acoustic reports prepared by Indigo Acoustics report numbers 10-299 and 10-299A. Details shall be provided with the Construction Certificate.

23. Internal Driveway Profile

The internal driveway profile shall be designed to:

- a) Provide adequate sight distance for the safety of pedestrians using the public footpath area.
- b) Align with Council's issued footpath crossing levels.
- c) Provide a maximum grade of 5% for the first 3 metres inside the property boundary for each proposed exit driveway.
- d) Comply with AS2890.1(2004) and AS2890.2(2002) where appropriate in relation to the design of vehicular access, parking and general manoeuvring.

A design certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

24. Parking Areas and Access

All vehicular access, parking and manoeuvrability including loading areas for the proposed development shall be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements shall be incorporated into the constructed

works:

- a) All "one way" traffic aisles in the car parking area shall be clearly identified by signposting and pavement marking.
- b) The ingress and egress crossing shall be clearly signposted as such.
- c) The proposed loading and delivery area shall be clearly defined with suitable signposting and pavement markings.
- d) The car park shall be line marked sufficient to accommodate 397 vehicles (including 10 accessible spaces); 3 car/trailer spaces, and 15 motorbike spaces.

25. Garbage and Recycling Storage Area

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

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

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

26. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- i) Food Act 2003.
- ii) Food Regulation 2004.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 – 2004 (*Design, construction and fit-out of food premises*).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 – 1991.

Certification to this effect shall be provided by an appropriately qualified person and this shall accompany the Construction Certificate.

27. External Lighting - (Amenity)

Any lighting on the site shall be designed and operated so as not to cause a nuisance nor adverse impact on the other residents of the surrounding area nor to motorists on nearby roads. All external lights shall be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

To minimise the impact on the surrounding environment, external lighting shall be designed and installed so it is directed towards the building, not towards Willarong Road.

28. Building Ventilation

To ensure that adequate provision is made for ventilation of the building mechanical and / or natural ventilation systems shall be provided. These shall be designed, in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

Details of all mechanical and / or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

29. Noise Control – Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

30. Car-Park Ventilation – Alternate system

As the basement car-park does not comply with the natural ventilation requirements of Part 7.4 of AS1668.2 - 1991, the car-park shall be either mechanically ventilated by a mechanical ventilation system complying with AS1668.2 -1991 OR alternatively by the natural ventilation system proposed providing it is certified by a practicing mechanical ventilation engineer to the effect that the system is an adequate system of natural ventilation. The certification shall confirm that the system will protect the health of the occupants of the car-park at any time it is used and would satisfy the exposure rates specified in Clause 7.2.2 of AS1668.2 – 1991

Details of the method of ventilation and relevant certification shall accompany the Construction Certificate.

31. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall distinguish between current, proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

**PRE-COMMENCEMENT CONDITIONS**

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

32. Pre-Commencement - Notification Requirements

With the exception of demolition and tree removal, no works in connection with this development consent shall be commenced until:

- a) A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

33. Pre-commencement Site Inspection - Road Frontage Works

The Principal Certifying Authority and / or the Supervising Engineer shall undertake a site inspection with Council staff prior to commencement of the road frontage works. The purpose of this inspection is to enable Council's Civil Assets Engineer to clarify Council's requirements, as owner of the roadway, in relation to the carrying out of the works.

Contact shall be made with Council's Civil Assets Branch on 97100357 to arrange for the inspection.

Note: An inspection fee shall be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

34. Sign to be Erected on Site

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on the work site. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road

or other public place adjacent to the site, must:

- a) show the name, address and telephone number of the principal certifying authority for the work, and
- b) show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work and demolition work is being carried out.

**35. Appointment of a Supervising Arborist**

Prior to the commencement of any demolition or works on site the applicant shall engage a suitably qualified and experienced Arborist (a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 2 or higher).

The Supervising Arborist shall:

- a) Be present during any works within the dripline of any tree marked for retention and have the authority to direct works to ensure the trees long term preservation.
- b) Ensure any excavation within the dripline of the tree/s is hand dug and to oversee works and strictly supervise that there is no disturbance or severing of roots greater than 50mm and to cleanly cut and treat those roots between 10-50mm in diameter.

**CONSTRUCTION CONDITIONS**

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

**36. Environmental Site Management**

All demolition and construction work shall be undertaken in accordance with the objectives and controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

**37. Permitted Hours for Building and Demolition Work**

To minimise the noise impact on the surrounding environment all building and demolition work shall be carried out only between the hours of 7.00am to 6.00pm Monday to Friday inclusive, 8.00am to 1.00pm Saturday. No work shall be carried out on Sundays and Public Holidays.

**38. Toilet Facilities**

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at

the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
  - i) to a public sewer, or
  - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

### 39. Demolition Work

To ensure that demolition of the existing building is carried out in an environmentally acceptable and safe manner:

- a) The demolition shall be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- b) It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a dilapidation report supported with suitable photographic records. This information shall be submitted to Council prior to the commencement of work. Any damage other than that noted prior to commencement of the demolition shall be the responsibility of the owner of the property for repair or reinstatement.
- c) The applicant shall ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.
- d) If demolition is to commence prior to the issue of a Construction Certificate, the applicant shall submit to Council a Site Management Plan – Demolition for assessment prior to the commencement of any demolition work. This plan shall satisfy the objectives of Council's Environmental Site Management Development Control Plan and shall consider the following:
  - i) What actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from demolition activities, crossings by heavy equipment, plant and materials deliveries and the like;
  - ii) The proposed method of loading and unloading demolition machines within the site;
  - iii) The proposed areas within the site to be used for the storage of demolished material and waste containers during the demolition period;
  - iv) How it is proposed to ensure that soil / demolished material is not transported on wheels or tracks of vehicles or plant and deposited on



- surrounding roadways;
- v) The requirements of any site specific Development Control Plan that may affect this development site.
- e) **Pre-Commencement Inspection**  
If demolition is to commence **prior** to the issue of a Construction Certificate, the Builder/principal contractor shall undertake a pre-commencement site inspection with Council's Engineering Compliance Officer and Council's Civil Asset Manager. The purpose of this inspection is to facilitate the implementation of the consent specifically with regard to the impact on the public way and to clarify any matters of concern.

Note: An inspection fee shall be paid to Council prior to the meeting. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

40. Demolition – Removal of Asbestos Material

To ensure that the removal and transportation of any asbestos material from the premises is carried out in an environmentally acceptable and safe manner, all work shall comply with the following:

- a) Occupational Health and Safety Act 2000;
- b) Occupational Health and Safety Regulation 2001;
- c) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- d) Workcover NSW 'Working with Asbestos – Guide 2008'; and,
- e) Protection of the Environment Operations Act 1997.

Should works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority. Asbestos waste in any form shall be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

The applicant shall notify Council's Environment & Health Regulation Unit (phone (02) 97100333 during normal business hours) of any proposed removal of asbestos material not less than 72 hours prior to the commencement of the work.

41. Excavations and Backfilling

- a) All earthworks including excavations and backfilling associated with the approved erection or demolition activities shall be executed safely and in accordance with appropriate professional standards.
- b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

42. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

- a) The only waste derived fill material that may be received at the development site shall be:
  - i) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
  - ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- b) Any waste-derived material the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be provided to the Principal Certifying Authority on request.

#### 43. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
  - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
  - ii) building involves the enclosure of a public place,  
A hoarding or fence shall be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

#### 44. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

#### 45. Geotechnical Report

To minimise vibration damage and loss of support to any buildings or public places in close proximity a report shall be prepared by a qualified geotechnical engineer detailing the constraints, if any, to be placed upon earthmoving plant and equipment. This report shall be submitted to the Accredited Certifier and to the Principal Certifying Authority and shall be endorsed as part of the Construction Certificate.

46. Environment Protection and Management

The environment protection and management measures described in the required Environmental Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

47. Run-off and Erosion Controls

Run-off and erosion controls shall be installed prior to commencement of any site works and shall be continuously maintained during the period of construction or demolition. These control measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and shall specifically address the following matters:

- a) diversion of uncontaminated runoff around cleared or disturbed areas;
- b) a silt fence or other device to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- c) controls to prevent tracking of sediment by vehicles onto adjoining roadways and public areas; and
- d) disturbed areas shall be stabilised either temporarily or permanently by the use of turf, mulch, paving or other methods approved by the Council.

48. Stockpiling of materials during construction

Topsoil, excavated material, construction and landscaping supplies and on site debris shall be stockpiled within the erosion containment boundary and shall not encroach beyond the boundaries of the property or the drip-line of any tree marked for retention. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

49. Construction materials and machinery must be kept within the site

All construction materials, sheds, skip bins, temporary water closets, spoil, and the like, shall be kept within the property. No vehicles or machines shall be permitted to stand on Council's footpath. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

50. Spoil deposited on public way (roads or reserves)

Any spoil deposited on public roads during cartage of materials from or to the site shall be removed immediately to the satisfaction of Council. If Council determines that excessive depositing of spoil onto the public way is taking place then the cartage of spoil shall cease if so directed by Council.

51. Disposal of Site Soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

All waste materials shall be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines (2009).

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

52. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) It shall not contain a concentration of suspended sediment exceeding 50 mg/L.
- b) It shall have a pH of between 6.5-8.
- c) It shall comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level).

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

**Landscaping Requirements**

These conditions are imposed to ensure the retention and enhancement of the existing landscaping.

53. Deleted

54. Removal of Trees

Apart from the existing trees and shrubs located along the Willarong Road frontage to the development site, which are to be maintained and protected. The issue of this development consent gives approval for the removal of the following trees:

- a) Any trees specifically identified on the landscape plan no. 1710PL-01 Revision F prepared by John Lock and Associates as "existing tree to be removed".
- b) Any trees growing within the building footprint of the approved structures.
- c) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- d) Any tree species listed in Clause 57 of the SSLEP 2006 Council's Controls for Preservation of Trees and Bushland Vegetation.
- e) Any approved tree removals within the road reserve shall be organised in

consultation with Council's Parks Tree Maintenance Officers (contact Customer Service Call Centre 9710 0333 to create CRMS request).

All other vegetation not specifically identified above, and protected by Council's Controls for Preservation of Trees and Bushland Vegetation shall be retained and protected from construction damage. These Controls for Preservation of Trees and Bushland Vegetation protects any vegetation unless written consent is obtained.

55. Tree Retention and Protection

The trees marked on the Plan No.1710LP-01 Revision F prepared by John Lock and Associates Landscape Architects for retention shall be retained and protected. All tree protection measures shall be in place prior to the commencement of any demolition or tree removal work.

These trees identified for retention shall be protected by the following measures:

- a) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts shall be installed at a minimum radius of 5m (where practicable) from the trunk of each tree referenced above. This fencing shall be installed prior to the commencement of any works subject to this consent and remain in place until all works are completed. Signage shall be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- b) The tree protection zone within the protective fencing shall be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- c) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- d) Any approved works within this tree protection zone shall be under the direction of, and to the satisfaction of, a suitably qualified and experienced Arborist.

56. Rainwater Harvesting and Use

Tank Installation

The tank and support structure shall be placed on a suitable foundation in accordance with the manufacturer's or engineer's details. It must not rest (in full or part) on the footings of any building or structure or on a retaining wall without being specifically designed for.

The tank shall not be installed over or immediately adjacent to a stormwater drainage easement, water or sewer main or associated infrastructure without the consent of the appropriate authority.

The tank may be free standing, partially or wholly below ground level, incorporated into the building eaves or fixed to a wall.

The tank installation and all plumbing works shall be carried out by a plumber licensed with the NSW Department of Fair Trading.

#### Plumbing Connections

Pipes that may be in contact with rainwater for extended period are to comply with AS/NZS4020. In general, this does not apply to guttering or downpipes that deliver rainwater directly by gravity into the top of the rainwater tanks because contact with the water is transient.

Underground pipework delivering water to the tank, or between tanks, or from tanks to houses (for reuse in toilets and laundries) shall comply with AS/NZS4020.

Polyethylene pipes used for such pressure applications shall comply with AS/NZS4130.

The installation of tanks and associated pipework infrastructure shall comply with the following standards:

1. AS/NZS2179 – Specifications for rainwater goods, accessories and fasteners.
2. AS2180 – Metal rainwater goods – selection and installation.
3. AS/NZS3500 – National Plumbing and Drainage Code.
4. AS/NZS4130 – Polyethylene (PE) pipes for pressure applications.

#### Potable Water Back-up

Potable water from the back-up system shall be introduced directly to the rainwater tank/s and not to the distribution system. Potable water is to be supplied via a dry break connection.

For the developments where a single rainwater tank is used, this tank shall be considered as the Potable Water Make-up Tank. Should a development include more than one (1) rainwater tank, a single rainwater tank shall be nominated as the Potable Water Make-up Tank.

The Potable Water Make-up Tank shall be installed such that potable water is supplied when the storage level is reduced to between 5% and 10% of installed rainwater storage capacity.

At this level, an approved mechanical float device or electrical float switch is to be used to make up potable water.

#### Overflow

Intense or prolonged rainfall will exceed the capacity of the rainwater tank therefore a (gravity) overflow system shall be provided to an appropriate approved Council storm water drainage system and via any OSD or retention facility if required.

## POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

### 57. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA prior to the issue of an Occupation Certificate or before the issue of a Subdivision Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

*Advice from Sydney Water:*

*An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or by telephone 13 20 92.*

*Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.*

### 58. Works As Executed Information

Certification shall be provided from a registered surveyor to the effect that:

- a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

### 59. Works As Executed Drawings

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's

"Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Subdivision / Occupation Certificate.

60. Food

Certification from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.

61. Noise Emission - Equipment

Certification from a suitably qualified Acoustic Engineer certifying that the noise from all sound producing plant, equipment, machinery, mechanical ventilation and / or the refrigeration system complies with the terms of the development consent.

62. Mechanical or Natural Ventilation

Certification from a suitably qualified Mechanical Engineer certifying that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of the development consent.

63. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect within three months after the issue of the Final Occupation Certificate for the development. This Certification shall verify that the landscape works have been completed to the stage of practical completion in accordance with the approved detailed landscape plan and relevant conditions of this consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

64. Tree Preservation

Certification shall be provided from a suitably qualified and experienced Arborist within three months after the issue of the Final Occupation Certificate for the development. This Certification shall verify that tree preservation has been completed in accordance with the approved plans and relevant conditions of this consent.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 2 or higher.

65. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the



- development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

66. Final site Inspection

Prior to the issue of the Subdivision or Occupation Certificate, a final site inspection relating to the public area shall be arranged by the applicant, and shall be undertaken by the applicant's Supervising Engineer and Council's Civil Assets Engineer. The purpose of the inspection is to ensure that notwithstanding the submission of any certificates required by the development consent, all impacts within the public area caused by the development have been satisfactorily addressed.

Note: An inspection fee shall be paid to Council. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

67. Registration requirements

Occupation of the premises shall not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food shop.

68. Positive Covenant over detention facilities - Subdivision

A positive covenant pursuant to Section 88E of the Conveyancing Act, 1919, as amended, or a memorandum of transfer and grant under the Real Property Act, as amended, shall be created on the title of the lot with respect to the maintenance of the required detention facilities. To this end the registered proprietor(s) of the property thereby burdened shall covenant with Sutherland Shire Council and its successors not to use the property except as permitted by this development specifically with respect to the provision and maintenance of the detention facilities. The location and extent of the detention facilities shall be delineated on the Linen Plan of Subdivision or the plan associated with the memorandum.

69. Positive Covenant - Stormwater Treatment

A positive covenant shall be created on the title of the property pursuant to Section 88E of the Conveyancing Act, 1919 as amended, or a memorandum of transfer and grant under the Real Property Act, as amended, with respect to the maintenance of any stormwater treatment measure required as a condition of this development consent. To this end the registered proprietor(s) of the property thereby burdened shall covenant with Sutherland Shire Council and its successors not to use the property except as permitted by this development specifically with respect to the provision and maintenance of stormwater treatment facilities. The location and extent of the treatment measure shall be delineated on the Linen Plan of Subdivision or the plan associated with the memorandum.

## **OPERATIONAL CONDITIONS**

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

### **70. Amenity of the Neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

### **71. Operational Management Plan**

The development shall be operated in accordance with the Operational Management Plan dated August 2011 submitted in support of the application except as modified by conditions within this development consent.

### **72. Carparking Areas**

To ensure that the carparking area satisfies the demands of the development it shall be made available on an unrestricted basis during trading hours for employees' and visitors' vehicles.

### **73. Hours of Operation**

To minimise the impact of the development on the surrounding environment, the following restrictions apply:

- (a) the trading hours shall be restricted to between the hours of 7.00am and 9.00pm Mondays to Fridays and 8.00am and 6.00pm pm on Saturdays and Sundays.
- (b) the site shall not be occupied by staff or contractors beyond one (1) hour after the cessation of trading, nor one (1) hour before the commencement of trade.

### **74. External Lighting**

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

### **75. Noise Control – Plant & Equipment (Continual operation)**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be operated so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Climate Change Industrial Noise Policy.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

76. Ventilation – Operation

To ensure that adequate ventilation within the building, all mechanical and / or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

77. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials are not a threat to the environment, these shall be stored in accordance with the Workcover Authority requirements.

78. Deliveries to the Site

To minimise the noise impact of the development on the surrounding environment and to minimise the impact on the surrounding road network the delivery of goods and materials to the premises shall be restricted to between the hours of 7.00am and 6.00pm on Monday to Wednesday and Friday. Deliveries to the premises shall be permitted between the hours of 7.00am and 9.00pm on Thursday. There shall be no deliveries on Saturday or Sunday.

79. Activities external to the building

To minimise the noise impact of the development on the surrounding environment the following restrictions apply:

- (a) Apart from the collection of waste, which is detailed in a separate condition, there shall be no activities external to the building (including but not limited to use of the external goods receiving area by staff, customers or commercial vehicles) beyond 6.00pm Friday to Wednesday and 9.00pm on Thursdays nor before 7.00am Monday to Friday and 8.00am Saturday and Sunday.
- (b) The eastern most roller door, located within the Timber Trade Sales Area, shall be closed between 6.00pm and 9.00pm Monday to Friday, when cutting or other machinery is in use, to prevent the emission of offensive noise from the use of the Cut Shop.

80. After Hours Contact Details

Prior to the occupation of the development the operator shall supply Council and the immediate neighbours with an afterhours contact phone number to ensure that nuisance type complaints can be dealt with quickly. Details shall be updated with Council and immediate neighbours if they change overtime.

81. Mechanical Flood Barrier Systems

An operation and maintenance manual for the flood barrier systems must be prepared and kept on site. This manual should detail staff training/certification required to operate and maintain the systems and a minimum annual

inspection/maintenance program. At any given time there must be a member on staff responsible for the implementation of the manual and activation of the flood barrier systems.

82. Maintenance of Water Quality Devices

An inspection and maintenance manual for the water quality devices must be prepared and kept on site. This manual should detail staff training/certification required to undertake inspections, cleaning and maintenance of the devices and an appropriate inspection, cleaning and maintenance program. A permanent employee is required to be appointed with the responsibility for the implementation of the manual.

83. Flood Emergency Management Plan

A flood emergency management plan must be prepared and kept on site. This plan should detail but not be limited to the following:

- a) staff training/certification required to execute the management plan;
- b) access/egress from the site or sheltering in the site in times of flood;
- c) closure of the southern basement carpark ramp and directing vehicles to the northern ramp in times of flood;
- d) basement carpark pump-out system and warning signs; and
- e) public awareness strategies.

This management plan must be undertaken in consultation with the SES. At any given time there must be a member on staff responsible for the implementation of the management plan.

84. Waste and Recycling Bins

All waste bins and recycling bins shall be stored wholly within the property boundaries in a designated waste storage area. The garbage bin shall be designed to prevent the escape of any liquid leachate and shall be fitted with a lid to prevent the entry of vermin.

85. Waste Collection

To minimise the noise impact of the development on the surrounding environment, the collection of garbage and recycling waste from the premises shall be restricted to between the hours of 7.00am and 6.00pm on Monday to Saturday. There shall be no waste collection of a Sunday.

**END OF CONDITIONS**



JOHN R. BROGAN & ASSOCIATES PTY. LTD.  
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**REQUEST TO RE-CONSIDER DRAFT DA CONDITIONS  
BUNNINGS WAREHOUSE PROPOSAL DA 10/1313  
KOONA CIRCUIT & WILLARONG ROAD CARINGBAH NSW**

**4. Changes to Parraweena Road Intersection**

*To improve traffic flows in the general vicinity of the subject site, the traffic control signals and associated linemarking and signposting at the intersection of Taren Point Road and Parraweena Road shall be altered so as to prohibit right turn movements from Parraweena Road into Taren Point Road (west to northbound). For this purpose the applicant will be required to enter into a "Works Authorisation Deed" with the RTA. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work. In this regard it should be noted that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work.*

**Comment:**

It is submitted that the current wording is unnecessarily onerous. The work involved to achieve the objective of this Condition entails the following:

- : 2 signs
  - : 2 arrows removed
  - : 60m line changed
- No change to traffic signal operation.

**Requested Amendment:**

*To improve traffic flows in the general vicinity of the subject site, the traffic control signals and associated linemarking and signposting at the intersection of Taren Point Road and Parraweena Road shall be altered so as to prohibit right turn movements from Parraweena Road into Taren Point Road (west to northbound). ~~For this purpose the applicant will be required to enter into a "Works Authorisation Deed" with the RTA. In this regard the developer is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work. In this regard it should be noted that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structures works on the classified road network.~~ The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any works on Parraweena Road or Taren Point Road.*

**6. Signage**

*To reduce the visual impact of the proposed signage on the Western Elevation of the proposed building the signage shall be modified as follows:*

- (a) the "hammer" logo shall be deleted and the "Bunnings Warehouse" sign reduced in size to have maximum dimensions of 9.8m wide by 2.8m high.
- or
- (b) the "hammer" logo and "Bunnings Warehouse" sign shall be incorporated into one size with maximum dimensions of 9.8m wide by 2.8m high.

**Comment:**

These signs fit well within the context of the building façade, and will be partly obscured by existing and proposed vegetation. The West elevation does not face any sensitive land uses. Finally it is notable that the usual proliferation of uncoordinated signage that occurs with multiple tenancies does not occur with Bunnings as a single occupier and the signs are not internally illuminated. There seems to be no objective warrant under SEPP64 for this condition.



**Requested Amendment:**

Delete Condition

**7. Safer By Design**

*To ensure appropriate levels of safety within the completed development the following matters shall be incorporated into the design:*

*A design certificate issued by an appropriate accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.*

**Comment:**

It is submitted that compliance with this Condition should not be a pre-requisite to a Construction Certificate.

**Requested Amendment:**

A ~~design~~ certificate issued by an appropriate accredited person to the effect that these design requirements have been met shall accompany the ~~Construction~~ Occupation Certificate.

**8. Nursery Waste Water Recycling System**

*To ensure that there is no adverse impact on the environment a suitably designed Nursery Waste Water Recycling System shall be installed. This system shall ensure that fertilizers, pesticides, soils, mulch, and propagules, including seeds, roots, cuttings, leaves etc shall be prevented from entering the public drainage network.*

*Certification shall be provided from a suitably qualified Civil / Environmental Engineer that the above condition has been complied with. This certification shall accompany the application for a Construction Certificate.*

**Bonds and Contributions**

*The following security bonds and contributions have been levied in relation to the proposed development.*

**Comment:**

Bonds and contributions are assumed to refer to Condition 9 and are considered to be a mistaken reference. The condition refers to the provision/installation of the system, to which Bunnings is happy to comply. However the appropriate certification for compliance will only logically be provided at OC, not CC, Stage.

**Requested Amendment :**

Certification shall be provided from a suitably qualified Civil / Environmental Engineer that the above condition has been complied with. This certification shall accompany the ~~application for a Construction~~ Occupation Certificate.

**21. Acoustic Fencing**

*To minimise the noise impact on the surrounding environment, a solid colorbond fence without gaps and of at least 0.8mm thickness shall be constructed on the eastern boundary to reduce delivery vehicle noise and operational noise to residential receivers. This shall be constructed in accordance with the recommendations of the submitted acoustic reports prepared by Indigo Acoustics, report numbers 10-299 and 10-299A. Details shall be provided with the Construction Certificate.*

**Comment:**

This condition refers to a fencing type that may/may not be suitable for Bunnings. To enable flexibility whilst complying with the Acoustic Standards and recommendations the specific material is proposed to be removed from the condition.

**Requested Amendment:**

To minimise the noise impact on the surrounding environment, a solid ~~colorbond~~ fence ~~without gaps and of at least 0.8mm thickness~~ shall be constructed on the eastern boundary to reduce delivery vehicle noise and operational noise to residential receivers. This shall be constructed in accordance with the recommendations of the submitted acoustic reports prepared by Indigo Acoustics, report numbers 10-299 and 10-299A. Details shall be provided with the Construction Certificate.

**25. Garbage and Recycling Storage Area**

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



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

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

**Comment:**

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

**Requested Amendment:**

Delete Condition

**32. Pre-Commencement - Notification Requirements**

*No works in connection with this development consent shall be commenced until:*

- a) *A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;*
- b) *A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and*
- c) *Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.*

**Comment:**

See suggested amendment

**Requested Amendment:**

**With the exception of demolition and tree removal,** no works in connection with this development consent shall be commenced until:

- a) A Construction Certificate / Subdivision Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment along with details of the Principal Certifying Authority, and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

**53. Street Planting**

*Street tree planting shall be provided within the road reserve fronting the subject site. The street planting shall be spaced at 8 metre centres and be indigenous species capable of attaining a minimum mature height twelve (12) with a minimum pot size of 45 litres in accordance with Council's "Urban Street Tree Planting Guide". Street trees shall be planted with staking and tying in a mulched and edged landscape area, within three (3) months of completion of work on the site. The trees shall be maintained until they reach a diameter of 100mm measured at 500mm above ground level.*

**Comment:**

Approx. 20% of the total site area has been dedicated for landscaping including significant trees around all four sides of the building. It is submitted that a requirement for additional street trees is excessive and unreasonable.

**Requested Amendment:**

Delete Condition

**54. Removal of Trees**

*Apart from the existing trees and shrubs located along the Willarong Road frontage to the development site, which are to be maintained and protected. The issue of the Construction Certificate gives approval for the removal of the following trees: ... ..*



**Comment:**

The purpose of requiring a CC for the building prior to tree removal is unclear and onerous. Condition 9 for example) establishes that works (including demolition) may commence prior to CC, and that this is contemplated by the DA conditions.

**Requested Amendment :**

Apart from the existing trees and shrubs located along the Willarong Road frontage to the development site, which are to be maintained and protected, ~~this development consent~~ ~~The issue of the Construction Certificate~~ gives approval for the removal of the following trees: .....

**68. Positive Covenant over detention facilities – Subdivision**

**69. Positive Covenant - Stormwater Treatment**

**Comment:**

Both these conditions refer to ... the Linen Plan of Subdivision.

**Requested Amendment to Conditions 68 & 69:**

Both these conditions refer to ... ~~a plan accompanying the positive covenant~~

**73. Hours of Operation**

*To minimise the impact of the development on the surrounding environment, the following restrictions apply:*

- (a) *the trading hours shall be restricted to between the hours of 7.00am and 9.00pm Mondays to Fridays and 8.00am and 6.00pm pm on Saturdays and Sundays.*
- (b) *the site shall not be occupied by staff or contractors beyond one (1) after the cessation of trading, nor one (1) hour before the commencement of trade.*

**Comment:**

Please insert missing word for clarification

**Requested Amendment:**

To minimise the impact of the development on the surrounding environment, the following restrictions apply:

- (a) the trading hours shall be restricted to between the hours of 7.00am and 9.00pm Mondays to Fridays and 8.00am and 6.00pm pm on Saturdays and Sundays.
- (b) the site shall not be occupied by staff or contractors beyond one (1) ~~hour~~ after the cessation of trading, nor one (1) hour before the commencement of trade

**77. Storage of Hazardous or Toxic Material**

*To ensure hazardous and toxic materials are not a threat to the environment, these shall be stored in accordance with the Workcover Authority requirements. All tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.*

**Comment:**

All hazardous and toxic materials are displayed for sale within the Warehouse in 'take away' container sizes. There is no bulk storage. A spillage protocol involving the provision and use of spill kits is part of the Store Management Plan. Bunding is not applicable to this operation. Compliance with Workcover requirements is a statutory requirement that occurs irrespective of this condition, and those requirements (and other requirements imposed by PoEO Act 1997) are sufficient to safeguard community standards.

**Requested Amendment:**

To ensure hazardous and toxic materials are not a threat to the environment, these shall be stored in accordance with the Workcover Authority requirements. ~~All tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of~~



sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.

**79(b). Activities External to the Building**

*To minimise the noise impact of the development on the surrounding environment the following restrictions apply:*

- (a) Apart from the collection of waste, which is detailed in a separate condition, there shall be no activities external to the building (including but not limited to use of the external goods receiving area by staff, customers or commercial vehicles) beyond 6.00pm Friday to Wednesday and 9.00pm on Thursdays nor before 7.00am Monday to Friday and 8.00am Saturday and Sunday.*
- (b) The eastern most roller door, located within the Timber Trade Sales Area, shall be closed between 6.00pm and 9.00pm Monday to Friday, to prevent the emission of offensive noise from the use of the Cut Shop.*

**Comment:**

Please reword paragraph (b) to allow for cross ventilation except when cutting is undertaken.

**Requested Amendment :**

- (b) The eastern most roller door, located within the Timber Trade Sales Area, shall be closed between 6.00pm and 9.00pm Monday to Friday, **when cutting or other machinery is in use**, to prevent the emission of offensive noise from the use of the Cut Shop.



## OPERATIONAL MANAGEMENT PLAN PROPOSED BUNNINGS WAREHOUSE KOONYA CIRCUIT, CARINGBAH

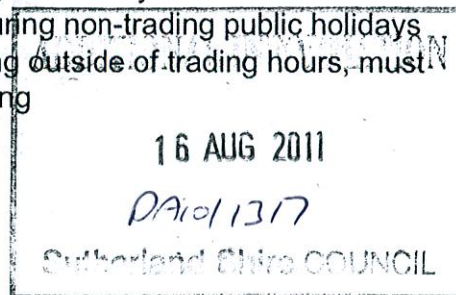
### 1. Acoustics

#### Objective:

*To provide a reasonable balance between the operational requirements of Bunnings, and the residential amenity of nearby residents of Willarong Road*

#### Operational Management controls:

- Trading hours are limited to 7am to 9pm Monday to Friday, and 8am to 6pm Saturday and Sunday and public holidays
- Stock replenishment and night/day fill operations be limited to store trading hours
- Heat extraction fans to operate only until 10pm in evening (Monday to Friday), or 7pm (Saturdays and Sundays)
- Truck loading hours during store trading hours only
- No loading, extraction unit operation, during non-trading public holidays
- Any activity conducted within the building outside of trading hours, must not be audible from outside of the building



### 2. Truck Management

#### Objective:

*Trucks utilize the provided loading bays and truck storage area provided in design of proposed Bunnings to avoid truck parking on-street.*

#### Operational Management controls:

- All trucks associated to unloading activities for the Bunnings to be parked on-site during unloading (in loading bay provided) or pending unloading, within service lane parallel to Willarong Road.
- No truck parking is permitted on streets surrounding the Bunnings site



### 3. Complaints Procedure

Objective:

*To ensure there is a record of complaints and responses, and an accessible contact number is provided to on-site management to facilitate timely response to residents' issues.*

Operational Management Controls:

- No less than 2 weeks prior to opening of the proposed Bunnings store, a contact brochure be provided to residents within a 200 metre radius of the store. Such brochure to provide the Store Complex Manager's contact telephone number(s), email address, the commitments of this plan, and the store phone number and a copy of the Development Consent conditions.
- All complaints received from nearby residents shall be documented and logged for date of complaint, contact name and number, and action and follow-up to ensure action is successful. Access to this logbook must be available to Council regulatory inspectors upon 48 hour written request to Complex Manager.

### 4. Activities External to the Building

Objective:

*To minimize and control activities external to the building to minimize noise and potential nuisance to nearby residents.*

Operational Management Controls:

- Forklifts operating in Goods Inward area to operate only during store trading hours.
- Waste disposal vehicles to access site only during trading hours
- All waste to be contained within the store grounds in waste collection containers
- All customer vehicles will be parked within the building, thus reducing any potential for activities external to the building, and vertical transportation (ie lifts and travelators) will be provided

**August 2011**

Proposed Bunnings Warehouse, Caringbah

