

2011SYE117 – 1-13 Freya Street, Kareela  
DA11/1048

## ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
	B	Pre Application Discussion (PAD) Letter – 11 October 2010
	C	Pre-DA Report from Architectural Review Advisory Panel – 17 February 2011
	D	Architectural Review Advisory Panel Report – 24 November 2011

**DRAFT CONDITIONS OF DEVELOPMENT CONSENT**  
**Development Application No. DA No 11/1048**

**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 Plan / Drawing No. S1009 - A00.01 DA-2, A00.02 DA-2, A00.04 DA -2, A00.10 DA-2, A00.12 DA-2, A00.15 DA-2, A00.80 DA-2, A00.81 DA-2, A04.00 DA-2, A05.00 DA-2 to A05.04 DA-2, A10.01 DA-2, A11.01 DA-2, A80.01 DA-2 and A80.02 DA-2 prepared by BN Group Pty Ltd 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 or construction works.

**Note 2:**

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

**Note 3:**

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 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.

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

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. Construction parking

The developer shall make all reasonable endeavours to contain parking for Stages 1 and 2 of the proposed construction within the site. The construction traffic management plan shall be amended to incorporate this requirement.

**Bonds and Contributions**

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

5. Environmental, Damage and 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 two (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 and not included in the bank guarantee.
- ♦♦ 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.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds would require multiply bank guarantees to be lodged.

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

## **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.

### **Design Conditions**

These design conditions are imposed to ensure the development, when constructed, meets appropriate standards for public safety and convenience.

#### **6. Design Changes Required**

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

- a) A second lift shall be provided adjacent to the proposed lift.

- b) Painted surfaces within 2 metres of ground level or a trafficable surface shall be finished with a graffiti resistant finish.
- c) Seating shall be provided in close proximity to the disabled drop off point on the mid level of the car park.
- d) The 'refurbished existing signage / new illuminated signage' in the setback to Bates Drive shall be located so that it does not extend outside the boundary of the site and shall be located approximately 8 metres closer to Freya Street so that additional landscaping can be provided along the Bates Drive setback.
- e) Widen the median separation between the entry and exit lanes in Freya Street from 1.2 metres to 2 metres.
- f) The landscape plan shall be modified as follows:

#### 1. PERIMETER PLANTING

Where sandstone is close to the surface under the perimeter planting areas along Bates Drive, Freya Street and Siandra Drive, provide low mounding to a height of 600mm of clean crushed sandstone. In Bates Drive set the mound 3m back from the kerb.

Plant an additional seven (7) indigenous trees along the Bates Drive frontage between the Coles sign and the existing trees, siting the trees so that views are maintained to the sign from the road. Plant species in the perimeter plantings shall be selected from the Siandra Drive Kareela species list attached below.

Species	Common Name
<b>LARGE TREES</b>	
<i>Angophora costata</i>	Smooth-barked Apple
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Eucalyptus capitellata</i>	Brown Stringybark
<i>Eucalyptus haemastoma</i>	Scribbly Gum
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus resinifera</i>	Red Mahogany
<b>SMALL/MEDIUM TREES</b>	
<i>Acacia implexa</i> (planter boxes)	Hickory
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Banksia serrata</i> (planter boxes)	Old Man Banksia
<i>Glochidion ferdinandi</i>	Cheese Tree
<i>Melaleuca decora</i>	White Feather Honey myrtle
<b>SCREEN SHRUBS/TREES</b>	
<i>Acacia longifolia</i>	Coastal Wattle
<i>Acacia suaveolens</i>	Sweet Scented Wattle
<i>Angophora hispida</i>	Dwarf Apple
<i>Backhousia myrtifolia</i> (planter boxes)	Grey Myrtle
<i>Banksia ericifolia</i>	Heath Banksia
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Callistemon rigidus</i>	Stiff Bottlebrush

<i>Dodonaea triquetra</i>	Hop Bush
<i>Grevillea buxifolia</i>	Grey Spider Flower
<i>Grevillea sericea</i>	Pink Spider Flower
<i>Isopogon anemonifolius</i>	Drumstick
<i>Lambertia formosa</i>	Mountain Devil
<b>FEATURE SHRUBS</b>	
<i>Doryanthes excelsa</i>	Gynea Lily
<b>GRASSES, GROUND COVERS &amp; CLIMBERS</b>	
<i>Aristida vagans</i>	Three Awn Spear Grass
<i>Dianella caerulea</i> var. <i>producta</i>	Blue Flax Lily
<i>Dianella revoluta</i>	Mauve Flax Lily
<i>Dichondra repens</i>	Kidney Weed
<i>Entolasia stricta</i>	Panic Grass
<i>Hardenbergia violacea</i>	False Sarsparilla
<i>Lomandra longifolia</i>	Spiny Mat-rush
<i>Lomandra multiflora</i>	Lomandra
<i>Microlaena stipoides</i>	Weeping Meadow Grass
<i>Xanthorrhoea media</i>	Grass Tree

## 2. FRONT ENTRANCE

At the main pedestrian entrance to the shopping centre (Freya Street), substitute two (2) *Angophora costata* and one (1) *Eucalyptus punctata* for the *Livistona australis* (Cabbage Tree Palms).

## 3. CARPARK

At the top level of the carpark, delete the planter box in the middle and provide three (3) enlarged planter boxes on the northern (Siandra Drive) side of the car park as per the marked-up plan. Relocate the trolley bay adjacent to the new planter box in the central-northern part of the car park.

Substitute a mixture of *Banksia serrata*, *Acacia implexa* and *Backhousia myrtifolia* for *Alphitonia excelsa* (Red Ash) planted in groups at approximately 600mm - 1 metre centres.

## 4. COURTYARD

In the internal courtyard remove the existing paving to the entire base of the free-form planting boxes and break up the sub-base 300mm to ensure that the roots of plants will be able to penetrate into the ground. Provide adequate drainage to each planter box and backfill using a mix of 50% clean crushed sandstone and 50% weed-free loamy topsoil mix, and a slow release fertiliser suitable for native plants at the time of planting. Provide 75mm depth of aged, weed-free recycled leaf litter/woodchip mulch.

Substitute five (5) *Eucalyptus haemastoma* (Scribbly Gum) for the *Archontophoenix cunninghamiana* (Bangalow Palms) and *Cyathea cooperi* (Scaly Tree Ferns). Plant two (2) trees in one (1) bed and three (3) trees in the

other at approximate centres of 1-1.5 metres. Substitute *Doryanthes excelsa* (Gymea Lily) and *Dianella caerulea* for *Aspidistra elatior* and *Adiantum aethiopicum*.

Details of these design changes shall accompany the Construction Certificate.

7. 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:

- (a) Construction of a roundabout at the intersection of Siandra Drive and Freya Street with associated approach works and signposting.
- (b) Works and signposting as necessary to create 3 lanes in the west bound carriageway of Freya Street at its intersection with Bates Drive.
- (c) Realignment of the western kerb in Freya Street between the loading dock and car park entry to facilitate an exclusive left turn lane entry into the car park and maintain the northbound through lane in Freya Street.
- (d) Provision of a speed reduction device on the southbound approach to the proposed Freya Street/Siandra Drive roundabout.
- (e) Provision of a pedestrian refuge and road narrowing treatment in Freya Street in lieu of the proposed pedestrian crossing adjacent to the northern corner of Solveig Crescent.
- (f) Demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback crossing.
- (g) Road pavement construction as detailed on Council's design plan
- (h) Removal of all redundant footpath crossings and reinstatement in accordance with Council's requirements.
- (i) Layback crossings at the access points.
- (j) Construction / Repair of footpaths as required.
- (k) 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.
- (l) Construction of a footpath crossings to the levels issued by the Council.
- (m) Erosion and sediment controls.
- (n) Provision of street landscaping and tree planting as specified by Council.
- (o) Undergrounding of overhead utility services.
- (p) Construction of full width footpath paving across the full frontage of the site using materials nominated by Council.
- (q) Installation of street furniture and street lighting as specified in Council's design plan.
- (r) Adjustment to public services infrastructure where appropriate.
- (s) Provision of pedestrian kerb ramps as required.
- (t) Provision of linemarking and signposting as detailed on Council's design plan.

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.

Survey and design plans 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.

8. Site Management Plan

An Environmental Site Management Plan shall be prepared by a suitably qualified consultant shall be submitted to the principle certifying authority to prior to the issue of the construction certificate. The plan shall be completed in accordance with the guidelines set out in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006, Sutherland Shire Environmental Specification 2007 - Environmental Site Management and the manual *"Managing Urban Stormwater, Soils and Construction Fourth Edition 2004 Volume 1"* prepared by LANDCOM.

The soil and water management/ site management plan must detail:

- a) The actions and works that 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 deliveries.
- 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 provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).

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.

9. Design Requirements for Disabled Access & Facilities

A compliance report prepared by a person suitably accredited by the Association of Consultants in Access Australia shall be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of Part D3 and F2.4 of the Building Code of Australia, AS1428.1 Design for Access and Mobility and the Disability (Access to Premises - Buildings) Standards. Details demonstrating compliance with the above provisions should be incorporated within the Construction Certificate.

10. Limit Window Opening

Where it is possible for a person to fall through an openable window from a floor greater than 1.0m above the surface outside the window, a barrier shall be provided to restrict the opening so that at any point a 125mm sphere cannot pass through. The barrier can be provided in any form fit for the intended purpose, including a screen, louvres or mesh, and may also serve other purposes such as protection from bushfire hazard, security or solar heat load. A child-proof device fitted to a window that allows it to be locked in a position so that the aperture is no greater than 125mm



when children are present is also acceptable. This condition does not apply to windows with a sill height of 1500mm or more above the floor inside the building immediately below the window.

Measures proposed to comply with this condition shall be indicated on the Construction Certificate drawings and the measures shall be in place before the issue of an Interim or Final Occupation Certificate.

### **Conditions Relating to Works in the Road Reserve**

These conditions are imposed to ensure that adequate road works are provided to minimise the adverse effect of traffic generated by the development.

#### **11. 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.

#### **12. 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.

#### **13. 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.

### **Public Utility Authorities Requirements**

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

14. Sydney Water - Notice of Requirements

Prior to the issue of a Subdivision Certificate or Final Occupation Certificate (whichever occurs first) the applicant shall obtain a Notice of Requirements under the Sydney Water Act 1994, Part 6 Division 9 from Sydney Water and submit the Notice to the Council.

15. 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 crossings shall be clearly signposted as such.
- c) The proposed loading and delivery areas shall be clearly defined with suitable signposting and pavement markings.
- d) The car park shall be line marked sufficient to accommodate a minimum of 234 cars and a minimum of 8 motorcycles.
- e) Parking provision shall be made for a minimum of 20 bicycles. The four spaces not currently provided shall be provided as secure lockers for staff bicycle parking.

16. Drainage Construction:

The stormwater drainage on the site is to be constructed generally in accordance with plan 080217 C01-1 Rev 5, C01-2 Rev 6, C03 prepared by Richmond + Ross Pty Ltd.

The above plans must be prepared for construction by a suitably qualified engineer and be submitted to the Principal Certifying Authority prior to the issue of the construction certificate. The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 5 - 'Stormwater Management') Sutherland Shire Environmental Specification - Stormwater Management and AS-3500.3 2003

17. Geotechnical report:

The geotechnical report numbered 22079SP3rpt completed by Jeffery and Katauskas Pty Ltd dated 7 October 2011 must be used in the design of the retaining structures, footings and excavations.

The geotechnical engineer is to submit a compliance certificate detailing that the structural design of the retaining walls and footings meet the requirements of the geotechnical report. The geotechnical compliance certificate is to be submitted to the Principle Certifying Authority prior to the issue of the construction certificate.

18. Design of retaining structures:

All retaining structures greater than 600mm in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply

with, all relevant design codes and Australian standards and recommendations of the Geotechnical report.

19. Geotechnical Monitoring Program:

Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principal certifying authority prior to issue of a Construction Certificate. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the submitted Geotechnical Report and is to include

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
  - Excavation of the site (face of excavation, base, etc)
  - Installation and construction of temporary and permanent shoring/retaining walls.
  - Foundation bearing conditions and footing construction.
  - Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical investigations and testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical Monitoring Program.

20. Construction Methodology Report:

A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted to Principle Certifying Authority prior to issue of a Construction Certificate. The geotechnical report must be used to determine the design parameters appropriate to the specific development and site.

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report

21. Predevelopment Dilapidation report:

A dilapidation report must be conducted to the extent possible in consultation with the owners of the adjoining properties 10, 12, 14, 15, 16 Freya Street 1, 3, 5 Siandra Drive and 47 Solveig Crescent. This report is to include the Council's roadway and stormwater infrastructures fronting the development within Freya Street and Siandra Drive.

The Dilapidation report must be conducted by a suitably qualified engineer prior to the commencement of any demolition, excavation or construction works. The extent of the survey must cover the structures that have the potential to be affected by any

excavation works including dewatering, and/or construction works including vibration. The Initial dilapidation report must be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate and a copy forwarded to the owners of the affected properties.

22. Traffic Management plan

Prior to submission to the principle certifying authority a traffic management plan is to be submitted to and approved by, Consultative traffic forum. The traffic management plan shall be prepared a suitably qualified person. The plan is to detail construction vehicle routes, number of trucks, hours of operation, access arrangements and what provisions have been made to reduce the impact on both pedestrian and vehicular traffic on the surrounding streets. A certification completed by a suitably qualified person shall be submitted stating full compliance with AS-1742.3 2002. The plans and certification shall be submitted to the Principle Certifying Authority prior to the issue of the construction certificate.

23. 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.

24. 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.

25. 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 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 as detailed in the acoustic report dated 23 November 2011 by PAEHolmes.

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 Environment Protection Authority's Industrial Noise Policy.

26. BCA Assessment Report - Building Upgrade

A Building Code of Australia Assessment Report shall be submitted with the Construction Certificate. This shall be prepared by an appropriately qualified person

and shall provide recommendations regarding what upgrading is proposed to the existing building (part to be remained) to bring the entire building into conformity with the *Building Code of Australia (BCA)*. The report shall address Part C, D, E and F of BCA and all recommendations contained within this report shall be incorporated within the scope of works covered by the Construction Certificate.

27. 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.

28. Pre-Commencement - Notification Requirements

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

- a) A Construction 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.

29. 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.

30. Signs to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work

is being carried out. 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, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

31. 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.

32. 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 and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

33. 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.

34. Demolition Work

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

- a) The demolition of the existing building 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.

35. 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.

36. 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.

37. 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.



38. Vibration Damage  
To minimise vibration damage and loss of support to the buildings in close proximity where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report shall be prepared by a qualified geotechnical engineer detailing the maximum size of hammer to be used for excavation purposes. This report shall accompany the Construction Certificate.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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 offsite 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.

44. 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.

Note: If chemicals are used to flocculate water, this must be done in accordance with manufacturer's guidelines and with the guidelines outlined in the "Blue Book" (NSW Department of Housing, Managing Urban Stormwater - Soils and Construction).

45. Construction Deliveries

Construction material deliveries are to be scheduled, as far as practicable, to avoid peak traffic times in particular the afternoon school pick up peak.

46. Removal of Trees

The issue of the Construction Certificate gives approval for the removal of the following trees:

- a) Any trees specifically identified in the consent "existing tree to be removed" on the Tree Retention Plan (Dwg No. 11549-LSK-001 April 2012) prepared by Context. Note that T32, 33 and 34 are not shown in the table but are approved 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.

47. Tree Retention and Protection

The following trees as shown on the Tree Retention Plan (Dwg No.11549-LSK-001 April 2012) prepared by Context shall be retained and protected:

T8, 9, 10, 12, 13, 14, 15, 31 (not included in table), 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56 and 57 plus nine (9) additional trees (not numbered) in the Bates Drive verge near the north western corner of the site.

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 around trees 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.

## **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.

### **48. 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.*

### **49. 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.

50. 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.

51. Completion of Work on Public Land

All work on public land required or proposed as part of this consent shall be completed in accordance with the requirements and time frames specified in the approvals granted by Council for the work under the Local Government Act 1993 or the Roads Act 1993.

No work shall be undertaken within the road reserve or on public land without approval from Council.

52. Consolidation of the Two (2) Lots

The existing lots shall be consolidated and registered to form one lot prior to the issue of a Final Occupation Certificate.

53. Post Development Dilapidation Report

A dilapidation report must be conducted to the extent possible in consultation with the owners of the adjoining properties 10, 12, 14, 15, 16 Freya Street 1, 3, 5 Siandra Drive and 47 Solveig Crescent. This report is to include the Council's roadway and stormwater infrastructures fronting the development within Freya Street and Siandra Drive.

The Dilapidation report must be conducted by a suitably qualified engineer on completion of all the site works. The extent of the survey must cover the structures that were recorded by the predevelopment dilapidation report. The dilapidation report

must be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate and a copy forwarded to the owners of the affected properties.

54. Set out of Building

Certificate from a Registered Surveyor certifying that the building has been set-out in relation to location and levels, in accordance with the requirements of the development consent.

55. 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 and the acoustic report dated 23 November 2011 prepared by PAEHolmes. The report shall include all post construction validation test results.

56. 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.

57. Works in Roadway

A Compliance Certificate from an Accredited Certifier certifying that all works undertaken in the road reserve have been completed in accordance with the conditions of the Road Opening Approval.

58. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect prior to 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.

59. 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.

## **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.

60. 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.

61. Carparking Areas

- a) To ensure that the carparking area satisfies the demands of the development it shall be made available on an unrestricted basis at all times for employees' and visitors' vehicles.
- b) Staff shall be encouraged (but not forced) to use the lowest level of the car park.

62. Hours of Operation and Deliveries

To minimise the impact of the development on the surrounding environment, the use of the premises shall be restricted to between the hours of 6.00 am and 12 midnight Mondays to Saturdays and 7.00 am to 10.00 pm Sundays.

No deliveries shall take place via the Siandra Street loading access outside of 7.00 am to 7.00 pm Mondays to Saturdays and 10.00 am to 2.00 pm Sundays.

No deliveries shall take place via the Freya Street loading area outside of 7.00 am to 9.00 pm Mondays to Saturdays and 10.00 am to 2.00 pm Saturdays and Sundays with the exception of a maximum of three deliveries of perishable products or newspapers per day in non articulated vehicles which may occur between 6.00 am and 7.00 am Mondays to Saturdays and 7.00 am and 10.00 am on Sundays.

63. Loading and Unloading

In the interests of public safety and amenity:

- a) All delivery vehicles servicing the property shall stand within the curtilage of the site
- b) All delivery vehicles shall be driven in a forward direction when entering and leaving the site.
- c) Only delivery vehicles of small rigid vehicle size (maximum length 6.4 metres) shall utilise the loading area in the north western corner of the site accessed off Siandra Drive. All shops shall notify their regular suppliers accordingly and this limitation shall be signposted accordingly at the entry point off Siandra Drive.
- d) The servicing of the site shall take place in accordance with the Loading Dock Management Plan submitted to Council on 17 May 2012 as amended by the conditions of this consent.

Loading and unloading of vehicles from the roadway is not permitted.

64. 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.

65. 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.

66. 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.

67. Security

A security person shall be on site from 6.00 pm daily till at least 30 minutes after the closing of the last shop to close. The security person shall regularly patrol the premises including the exterior of the building and the car park.

68. Graffiti Removal

Any graffiti on the premises shall be removed within 24 hours of first being observed.

69. Safety and Security

The following safety and security matters shall be adopted in the construction and operation of the centre:

- a) Doorways must be aligned with the building facade to eliminate concealment points.
- b) Formal marked pedestrian routes must be provided on all car park levels.
- c) Directional and advisory signage reminding patrons to secure their vehicles, and take valuables with them must be installed on all car park levels.
- d) Fire escapes must be alarmed at all times to reduce concealment.
- e) Toilet doors should be designed to incorporate a gap at the top and bottom.
- f) There shall be separate entrances to the male and female toilet facilities.
- g) Universal pictograms for identifying toilets must be installed at the entrances to all toilets.
- h) The parents' accessible toilet on the lower level must comply with Australian Standard 1428.
- i) All internal fixtures of toilet facilities should be vandal resistant, robust and durable.

- j) Automatic teller Machines (ATMs), if installed, must be positioned in a location that is no closer than 3 metres from any structure or objects capable of facilitating concealment (i.e. columns, building corners, recesses or doorways), and no closer than 2 metres from other ATMs, static activity or information sources that will facilitate loitering.
- k) Any payphones installed must be located in high activity areas.
- l) All communal areas, pedestrian routes, and entry and exit points must be adequately lit to meet AS 1158.3.1, with particular emphasis on the reduction of pools of light and dark and facial recognition at 15 metres.
- m) Exterior lighting must be switched on at all times the Centre is operating.
- n) The security fence along the northern boundary must be a visually permeable design, built to a minimum height of 1.8m, and use a dark colour.
- o) All doors must be fitted with appropriate access control devices that meet the relevant Australian Standard.
- p) Any access control devices installed must be installed by a licensed professional.
- q) A gate must be installed at the entrance to the upper level carpark from Freya Street and locked all times the Centre is not operating or that staff are not on the premises.
- r) A fence/gate must be installed in line with retail store no 16 at the pedestrian entrance to the loading area from Freya Street (the pathway at the rear of retail store no 15 & 16).
- s) Access control devices must be installed on access points to the plant and store rooms located in the multi-storey carpark.
- t) All pedestrian and vehicle entries should be closed and locked as soon as the centre ceases trading.
- u) All security officers must hold a current security licence.
- v) Any Security systems and CCTV cameras installed by a licensed security professional and meet Australian Standard 4806. Lighting sources around cameras must be compatible with requirements for the CCTV system. CCTV cameras must be of a quality that allows for the identification of people engaging in anti-social or criminal activities. All CCTV cameras must be in working conditions at all times.
- w) The low hanging branches from the street trees must be at a minimum height of 2m from ground level. Shrubs and low growing vegetation must be maintained and not exceed a height of 0.6m from ground level.
- x) All garbage bins must be appropriately secured.

70. Forklifts

No forklifts shall be operated in the mall, car park or other publically accessible areas.

71. Waste Removal

To minimise the noise impact of the development on the surrounding environment, the collection of garbage, bottles, cans or other recycling material from the premises shall not take place between the hours of 9.00pm and 7.00am daily.

**END OF CONDITIONS**



Christine Edney - 9710 0838  
File Ref: PAD10/0083

11 October 2010

1301012120010010010131012300310313

DBL Property Pty Limited  
L 6 432 Kent Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Pre-Application Discussion No. PAD10/0083**

**Proposal: Three (3) Level Carpark, Renovations of Existing Retail, New Speciality Retail, New Internal Plaza and Landscaping**

**Property: 1-13 Freya Street KAREELA NSW 2232**

I refer to the pre-application discussion held on 16 September 2010 regarding the above premises.

The following is a summary of the matters addressed at the meeting. The contents of this letter do not bind Council to granting consent for the proposed development if and when an application is made for such a proposal.

Description of Site and Proposal:

The site is 12,921 square metres in area and has frontages to Bates Drive, Freya Street and Siandra Drive. There is no access to or from Bates Drive which, for the most part, is located at a level well below the site. The existing shopping centre was built in the 1970's and includes a Coles Supermarket and 17 smaller speciality shops. There is an open car park containing 167 parking spaces to the east and north of the shops.

The site is zoned Zone 9 - Local Centre pursuant to the Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).

The proposal is to retain the supermarket, extend most of the shops and add new retail and commercial space above and to the east and north of the retained shops. The total proposed floor area is approximately 6,275 square metres. As the existing centre has a floor area of 4,151 m<sup>2</sup> the additional floor area proposed is approximately 2,124 m<sup>2</sup>.

A car park excavated below the existing Freya Street ground level is proposed in the north eastern part of the site with entry/exit driveways to Freya Street and to Siandra Drive. A dedicated servicing area is proposed off Freya Street. This will service Coles

and the new retail area. An existing servicing area in the north west of the site will be retained for the existing smaller shops in that area. The total proposed parking provision is 282 spaces over four levels.

### Comments on the Proposal:

#### Issue 1: Zoning and Statutory Controls:

The proposed uses are permissible in Zone 9 – Local Centre zone.

The proposal appears to comply with the applicable 1:1 maximum Floor Space Ratio based on the information presently before Council. A three storey height control applies to the site. Whilst the car park has four levels it would not appear to constitute a 4 storey building as the lower level is below natural ground level and the top level is unroofed. However your attention is drawn to the definition of storey in the Dictionary to SSLEP 2006.

#### Issue 2: Design

##### (a) External

The external treatment of the southern (Coles) portion of the existing building needs further resolution, this includes additional landscaping and treatment of the open drain area. The drain is of concern from both a public safety and aesthetic point of view.

Consideration should be given to a landscaped buffer to the Siandra Street frontage of the car park to soften its impact and to reduce potential light spill from headlights.

There should be a signage strategy for the complex and this should form part of the development application.

Safer by Design issues need to be considered given the lack of street surveillance of the centre courtyard and the lower levels of the carpark.

Overall the design approach and selection of materials is considered to be generally appropriate for the site, the character of the surrounding area and the prevailing demographic.

##### (b) Internal

Solar Access to the courtyard should be maximised and natural lighting (by a void or the like) to the circulation area between the retail court yard and the mid level of the carpark incorporated to improve the amenity of shoppers in this area. The courtyard design is such that the area could, due to pooling of cool air overnight remain cold all day in winter. Measures to resolve this should be investigated.

Some form of automatic doors or the like between the carpark's mid level and the retail area should be considered for security and to prevent fumes entering the retail space.

### Issue 3: Parking and Access

The applicable parking requirements under Chapter 7 of SSDCP2006 are 1 space per 30 m<sup>2</sup> for shops, including food shops, 4.5 spaces per 100 m<sup>2</sup> for gymnasiums, and 1 space per doctor and 1 per 3 employees for medical facilities. If the proposal was wholly retail the required parking would be 209 spaces. The proposed parking (282 spaces) would appear to satisfy the requirement for the proposed development. Bicycle parking is required at the rate of 1 space per 10 parking spaces for the first 200 parking spaces and thereafter 1 per 20 parking spaces. The location and security of these spaces needs to take into account the needs of staff and customers as well as weather protection. Motorcycle parking is required at the rate of 1 space per 25 required car spaces.

The intensification of the use of the existing loading areas has potential to impact on neighbours. The design, operation and capacity of the servicing and parking areas needs to be addressed to ensure that they are capable of servicing the site's peak future demands in a safe manner that does not impact adversely on nearby residents. The hours of use of these areas need to be addressed as do housekeeping measures to keep the areas both tidy and unobstructed.

The north western loading area and access therefore must cater for at least a medium rigid vehicle (MRV), including standard pumpers, with a minimum height clearance of 4.5 metres as described in AS2890.2- 2004.

Parking spaces off the entry aisle from Freya Street are a concern as vehicles manoeuvring in or out of these spaces are likely to obstruct vehicles entering the site. To satisfy Part 3.4 of AS 2890.1 these spaces should be deleted. As discussed at the meeting this area could be better utilised to improve the pedestrian entry (which in the current design is a 'choke point' in this area) and to provide bicycle parking and/or motorcycle parking. Any car parking spaces in this area should be in line 'drop off' only spaces.

Pedestrian movement in the car park in particular to and from the disabled parking spaces needs to be addressed.

Ventilation to the carpark should also be addressed in particular the location and design of any vent structures.

The on-site vehicular manoeuvring and parking facilities shall be designed to comply with the provisions of AS2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009).

### Issue 4 Landscaping/ Loss of Trees

Whilst the amended plans relocate the carpark away from the grove of trees near the Siandra Drive / Freya Street corner, which is a welcome move, the plans still show that the majority of the existing trees on the site are to be removed and that only a minimal setback is proposed to the Siandra St frontage of the car park. It would be desirable if the Siandra Street setback could be increased and planting be provided on the top car park level to provide shade and to be an extension of the character of the perimeter planting.

Landscaping in the courtyard should include deciduous trees to improve solar access in winter however the use of Jacarandas may create some safety and maintenance issues. The species need to be tolerant of the micro climate this space will create.

Staging of the removal of trees such as trees 37 and 38, until replacement planting is established and has reached a reasonable size, so as to maintain this area as vegetated as much as possible is suggested.

#### Issue 5 Amenity

Light spill from area lighting needs to be addressed in any application. Also light spill from vehicles using and exiting the carpark need to be addressed possibly by tree planting on the northern side of Siandra Drive as well as on the south side and by the use of screening on the car park ramps.

Dust, noise and vibration particularly related to the excavation / construction phase and truck movements is likely to be an area of concern and these matters should be addressed in any development application submitted.

Security and access at night should be addressed.

#### Issue 6: Stormwater

The proposed carpark will require the relocation of a stormwater line that crosses the north eastern corner of the site. The design of the relocation shall ensure there is no loss in the capacity of the system and there is no adverse impacts caused on the overall functionality of the system. The relocation should also consider the impact on street trees within the design.

On-Site-Retention capacity may reduce the total On-Site-Detention capacity by one third as detailed under SSDCP2006 Chapter 7 5.e.3 (2). The use of water sensitive urban design is encouraged. The stormwater management design shall comply with Sutherland Shire Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management') Sutherland Shire Environmental Specification – Stormwater Management and AS-3500.3 2003.

#### Issue 7: Excavation and site management

The applicant is to consider the impact of construction on the surrounding areas. In particular the impact of, soil and sediment erosion, and the impact of excavation on ground stability on adjoining properties. There are structures on adjoining properties that are potentially in the zone of influence of the proposed excavation including Council's road and stormwater infrastructure.

Consideration shall be given to what measures will be taken and what design principles will be used in the development of

- the retaining and excavation solution for the site
- Soil and Water Management Plan

## Issue 8: Traffic Management

Due to the scale and nature of the proposal its traffic impacts need to be thoroughly assessed and information submitted regarding post development traffic volumes and impacts on intersections.

In addition, the development could adversely affect traffic on the surrounding streets during the construction phase. The applicant shall submit a construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and what provisions have been made to reduce the impact on both pedestrian and vehicular traffic on the surrounding streets.

The construction traffic management plan shall be prepared and certified by a suitably qualified person. The plan is to fully comply with AS-1742.3 2002 and include any consent authority's requirements.

### Conclusion:

The proposal provides a much improved level of internal amenity for shoppers than did the previous scheme, but there is still room for further improving the internal amenity and to improve the premises' impact on the streetscape and the amenity of residents.

The above information is based on a meeting with Mark Adamson, Killian Grennell, John Smith, Warwick Mertell, Andrew Conacher and Christine Edney on 16 September 2010 and the details presented in that discussion.

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

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

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

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

It is hoped that this information is of assistance to you in the preparation of your development application. Should you require additional information please do not hesitate in contacting Christine Edney during normal business hours on 9710 0838, Mondays to Thursdays.

Yours faithfully

Mark Adamson  
Manager – West Environmental Assessment Team  
for J W Rayner  
General Manager

## Architectural Review Advisory Panel

Proposal:

**Upgrading of Kareela Shopping Centre**

Property:

**1-13 Freya Street KAREELA NSW 2232**

Applicant:

**DBL Property Pty Limited**

File Number:

**ARAP11/0003**

The following is the report of the Architectural Review Advisory Panel Meeting held on 17 February 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **"3. Consideration of ARAP11/0003 – Pre-DA Proposal for Upgrading of Kareela Shopping Centre at 1-13 Freya Street, Kareela**

Council's Slavco Bujaroski, Christine Edney and Paul Styman outlined the proposal, including providing details of Council's relevant codes and policies.

Stephen Blaxland, Mike Fairhurst, Andrew Durbidge and Jonathan Dan addressed the Panel regarding further development of the proposal and how the project team has addressed the concerns raised by the Panel at the previous meeting.

The site is 12,921 sq m in area, falls to the west and has frontages to Bates Drive, Freya Street and Siandra Drive.

The proposal was noted as a further refinement of the previous ARAP submission (ARAP10/0011) and includes the retention of the existing "anchor" tenant and the provision of additional car parking and specialty shops.

The design includes a courtyard that is designed to expand the centre's present role as a social meeting place.

#### General Comments

The design of the proposed scheme is generally supported but there are still some aspects of the scheme that need further refinement. These include:

- (a) The central axis from the Freya Street pedestrian entrance could be made clearer in the design as it connects the main pedestrian entry with the most important space on the site. The Panel also suggested that it may be desirable to obtain views through the site from the pedestrian entrance.
- (b) The environmental qualities of the courtyard space (i.e. access to sun, breezes and extent of shadowing) remain a concern. The size and scale of the previously discussed kiosk still seem too large for this space. It is suggested that alternative

'uses' be explored which integrate with the intended qualities of the space and the desired pedestrian movement. The intended effect of diverting pedestrian traffic closer to the specialty shops is noted.

- (c) The previously proposed inclusion of an "after hours" medical centre was discussed. This now appears less likely but there could be uses, e.g. Medibank office, to support the existing adjacent medical centre.
- (d) Previous schemes indicated deciduous trees in the courtyard space with the Panel expressing concern regarding any removal of this design element.

### Context

The current development is a popular, attractive local centre with the present character being reinforced by mature trees located throughout the existing car park. The proposed landscaping to the car park and the associated street frontages to Freya Street and Siandra Drive should be reviewed as the present scheme has a domestic character.

The proposed stepped retaining walls and planter beds are also domestic in scale and need to be more imaginatively integrated. A "green wall" was suggested as a way to address the appearance of the car park wall adjacent to Siandra Drive when viewed from adjoining residential properties.

The Panel noted that the scheme attempts to respond to the existing bushland to the north-west with the suggestion that more 'bushland' should be integrated into the scheme so as to retain the positive elements of the existing centre. To achieve the best result the introduction of the bushland vegetation and character should be pursued as far as possible.

### Scale

The scale and appearance of the proposed car park are considered to be a harsh element in the scheme and could be softened by landscaping. Planting of trees is considered to be a way to provide shade and scale to the extensive concrete of the car park.

Although the zoning anticipates a shopping centre somewhat more dominant than the residential neighbours, the scale of the proposal should still recognise that this is a residential neighbourhood.

The scale of the remainder of the scheme is considered acceptable as it retains the relationship to the existing local single dwellings.

### Built Form

The built form is considered to be appropriate to the location as it is simple and functional.

### Density

It is noted that the scheme is within Council's maximum requirements and that the overall impact is considered acceptable.



### Resource, Energy & Water Efficiency

Refrigeration, air conditioning, vertical transportation and lighting all require large amounts of energy. It is unclear to the Panel what cost/energy saving provisions have been included. Significant potential exists to be environmentally responsible and such action would be recognised by the community. Details of these should be included with the development application.

### Landscape

The majority of the Panel's concerns relate to the landscaping of the courtyard, car park and street frontages. The increased setback to Freya Street is seen as a positive response in relation to retention of significant trees, however further consideration should be given to integrating additional trees within the car parking area, along Siandra Drive and within the internal courtyard.

### Amenity

There is potential for this development to provide an increased level of amenity for shoppers and the local community. The planning principles underpinning this proposal are sound, however public areas need more consideration, particularly in relation to solar access to the courtyard and the proposed 'uses' within the courtyard.

The proposed 'kiosk' element is considered over sized and undefined. The proposed building envelope appears to consume all the area of winter sun. It is suggested that this element be reviewed.

### Safety & Security

At present, it is unclear how security to the courtyard will be managed, especially during late night use. The Panel noted that gates are proposed to the entrances to the lower car park levels, however little detail is included regarding security to the internal courtyard.

### Social Dimensions

The existing shopping centre is well integrated into its community and this scheme has the potential to augment this relationship. Effort should be made to build on that relationship. The natural qualities of the existing centre should be carried over to the new scheme to provide a reference/connection for the existing community.

### Aesthetics

The composition of discreet roof forms is promising however the roof treatment above and north of the courtyard needs further development.

The scheme proposes a strong streetscape presentation however the proposed signage is unrefined and requires better control and integration as a total package.

Careful detailing of the materials proposed is suggested, however the extensive use of timber elements that may deteriorate should be reviewed.

**Recommendation/Conclusion:**

In principle, the design is supported however there has been disappointing progress in the following previously discussed elements of the proposal:

- Presentation of the car park from Freya Street and Siandra Drive.
- Courtyard treatment, including landscaping, solar access and kiosk proportions.
- After hours security.”

Colleen Baker  
ARAP Coordinator

07 March 2011

## Architectural Review Advisory Panel

Proposal:

**Commercial Development - Alterations and Additions to an Existing Shopping Centre and New Car Park**

Property:

**1-13 Freya Street KAREELA NSW 2232**

Applicant:

**Caverstock Group Pty Ltd**

File Number:

**DA11/1048**

The following is the report of the Architectural Review Advisory Panel Meeting held on 24 November 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **"3. Consideration of Development Application No. 11/1048 – Additions and Alterations to Existing Shopping Centre and Car Park (Kareela Shopping Centre) at 1-13 Freya Street, Kareela**

Council's Andrew Conacher, Christine Edney and Michael Hornery outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Steve Blaxland, Pat Gocher and Neil Ingham addressed the Panel regarding further development of the proposal and how they have addressed the concerns raised by the Panel at the previous meeting. This current design has been the result of a long process where the responses of many stakeholders have been taken into account.

The site is 12,921 sq m in area, falls to the west and has frontages to Bates Drive, Freya Street and Siandra Drive.

#### Client's Brief

In introducing the project the architect advised that the proposal's objectives are to provide a friendly 'village centre' feel and to better define the car parking, shopping and courtyard areas. A stronger presence on Freya Street is also achieved.

During the development of the scheme the architect has sought to ensure that the car parking station levels have been carefully integrated with street and courtyard levels.

Modifications to the previously presented scheme include the provision of acoustic walls and "tilt-a-doors" to the proposed loading bay.

#### Context

A large shopping centre is always difficult to blend into a residential context. Being located at the entrance to the Kareela neighbourhood it is in the busiest section of the district. This is preferable to being embedded in a residential precinct. The Panel

considers this scheme to be a very reasonable design that attempts to integrate into the existing context as much as possible.

It addresses an important collector road and its intersection with Freya Street. This limits the opportunities for vehicular and pedestrian access. The shopping centre needs to embrace its community. However, the scheme “turns its back” on the surrounding streets and a stronger link between the pedestrian street address and the courtyard would be beneficial.

### Scale

The scale and appearance of the proposed car parking station are still considered to be a harsh element in the scheme and could be further softened by landscaping and consideration of the building’s finishes.

The scale of the remainder of the scheme is considered acceptable as it retains the relationship in height to the existing local single dwellings.

### Built Form

Generally, the built form is considered to be appropriate to the location as it is simple and functional. At the centre of the proposal is a large public space that has the potential to provide the shopping centre with a special character if it can be used as a gathering place for the community. Alternatively it could be barren and bleak. Although there are ideas about what the place could become, there is nothing more than ideas. Considerable attention should be given to resolving the design of the space.

There was agreement among Panel members that there should be no “kiosk” located in the courtyard. The retention of the existing sloping paving to the courtyard is considered problematic and there is an opportunity to provide for a central flat area with wide “sitting steps” and some large shade trees.

### Density

Generally, the proposal does not present as an overdevelopment of the site, however the function driven decision to locate a tall built form on the northern side of the courtyard reduces solar access. It is noted that the scheme is well within Council’s maximum requirements.

### Resource, Energy & Water Efficiency

There has been a poor response to the previous Panel comments regarding the potential benefits of environmentally responsible design. Details of services provisions included in the development application should be reviewed.

The proposal should indicate how mechanical services are integrated in the roofscape.

There is also a good opportunity to harvest rainwater for use in bathrooms, cleaning and for landscape irrigation.

### Landscape

The majority of the Panel’s concerns remain related to the landscaping of the courtyard, car park and both street frontages.

It is recommended that the scheme respond more strongly to the existing bushland context, with the suggestion that more 'bushland' should be integrated into the scheme. While there has been some attempt to introduce this bushland vegetation and character, this aspect of the project's integration should continue to be pursued as far as possible.

The inclusion of a central "kiosk" structure and raised planter beds within the courtyard space is considered to constrain and divide this space, reducing its ability to provide for a range of communal activities such as performances, exhibitions, public gatherings, etc.

Previous schemes indicated large deciduous trees in the courtyard space and the Panel expressed concern regarding the removal of this design element. The retention of the present cross fall of 1.5 metres is also not considered to be ideal.

The extent of tree planting to the upper deck of the car park should be increased to provide shading and a better streetscape presentation.

The proposed extent of perimeter planting to adjacent streets is considered to be weak and thin. There are opportunities to work with Council to provide additional complementary planting in the existing nature strips.

#### Amenity

The solar access to the courtyard and the proposed 'uses' remain a concern to the Panel.

The sloping ground plane of the courtyard is a legacy of the existing centre and should not be retained in the new development.

#### Safety & Security

It remains unclear how security to the courtyard will be managed, especially during late night use. Little detail is included regarding security to the internal courtyard. The car park also should be made secure. In both cases area lighting should be designed to avoid light spill onto adjacent residential properties.

#### Social Dimensions

Developing this shopping centre as a community meeting place is commendable. A flexible courtyard design would permit the greatest opportunities for this interaction.

#### Aesthetics

Generally, the concept in terms of space and form is sound. Careful consideration of the use and location of the materials and colours proposed is strongly suggested, to ensure that the strength of the concept is not compromised.

The loading bay doors and walls have a different character to the remainder of the proposal and are also out of character with the locality. The scale is more industrial/commercial than residential and the detailing is fussy. It is suggested that the inclusion of this element be reviewed.

**Recommendation/Conclusion:**

In principle, the design is supported however there continues to be disappointing progress in the following previously discussed elements of the proposal:

- Presentation of the car park from Freya Street and Siandra Drive.
- Courtyard treatment, including landscaping, solar access and kiosk proportions.
- Landscape design generally.
- “Environmental” design.
- After hours security.”

Colleen Baker  
ARAP Coordinator

20 December 2011