



7 August 2014

Chair of Sydney East Region Joint Regional Planning Panel
JRPP Panel Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

via email: jrppenquiry@jrpp.nsw.gov.au; dowsettr@botanybay.nsw.gov.au;
mackeyc@botanybay.nsw.gov.au

**140-148 DENISON STREET AND 25-49 SMITH STREET, HILLSDALE
JOINT REGIONAL PLANNING PANEL NO. 2012SYE009
PROPOSED BUNNINGS DEVELOPMENT (COUNCIL REF. DA 11/224))
APPLICANT REQUEST FOR AMENDMENT TO DRAFT CONDITIONS &
RESPONSE TO COUNCIL SUPPLEMENTARY REPORT**

Dear Mr Roseth,

I refer to the draft "Without Prejudice" conditions of consent, and the
"Supplementary Report" issued by Council for the above JRPP matter scheduled
for the Sydney East Region JRPP Meeting scheduled for 14 August 2014.

Draft conditions

We have reviewed the draft conditions and there are several we wish to oppose
and/or seek amendments to for the reasons attached. A summary of proposed
amendments and justifications is attached.

In the event the Panel considers the development ought to be approved, we
request that the proposed amendments are considered to improve the workability
of the conditions, or remove unjustified requirements or constraints on
operations. This attention is aimed to minimise the need where-ever possible of
future section 96 modification applications.

I have copied relevant Council officers into this correspondence to ensure they are aware of our submission and may facilitate their response to assist the Panel.

Comments on Supplementary Report

(i) Responses to "Decision 5(c)" Assessment Officer Comment (page 7)

Drawings 120 and 121 most recently submitted to the Panel in November 2013 indicate the FFL of the Bunnings Warehouse retail floor at RL 20.80. The RL of the top of the "5m high" acoustic wall can be set by adding 5 metres to that level and which will therefore be RL 25.80. Given these relevant drawings are included in Condition 1, and are clear, there is no compliance issue.

The claim that there will be a maximum of four (4) trucks per day is incorrect. The more correct figure is 4 trucks per hour, and this is the basis of the Wilkinson Murray assessments. Further advice in response to Council's report has been provided by Wilkinson Murray:

"

In the case of limiting the use of forklifts to one at a time bears no reflection to the enclosure of the loading dock. Indeed modelling with two forklifts working simultaneously in the dock and two large trucks would potentially increase noise levels by up to 4 dBA at surrounding residences. This translates in a predicted highest resultant noise level of $L_{Aeq}(15\text{ minutes})$ 45 dBA at level 2 of 83 Rhodes Street, which is still well below the evening criterion of 49 dBA. Whilst the above situation will be an uncommon event this demonstrates that any limit on the number of forklifts and large trucks to one operating in the covered dock area is not warranted.

As outlined by Wilkinson Murray in their acoustic assessments, there is a very conservative buffer between compliant noise limits applicable to the adjoining residential properties, and those modeled and predicted to be achieved due to the enclosure of the unloading area, and the additional noise barrier heights shown on the plans.

Mr Clarke of Wilkinson Murray will be present at the meeting on Wednesday 14th August. However we are both available to meet or explain further the amendments sought at any time prior. Please feel free to contact me on 9846 7334 or 0413 098 609 if you wish to discuss any matter raised in this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Drew', with a stylized flourish at the end.

Philip Drew
Development Approvals Manager
Bunnings Properties Pty Ltd

***Attachment 1: TABLE OF PROPOSED AMENDMENTS TO "DRAFT WITHOUT
PREJUDICE CONDITIONS FOR JOINT REGIONAL PLANNING PANEL" - DA 11/224***

1. TABLE OF PROPOSED AMENDMENTS TO "DRAFT WITHOUT PREJUDICE CONDITIONS FOR JOINT REGIONAL PLANNING PANEL" - DA 11/224

No.	Current condition	Proposed Change & Justification
2	The applicant must prior to the obtainment of the approved plans and specifications pay the following fees: (a) Development Control Fee \$10,000.00; (b) Builders Damage Deposit \$25,500.00; (c) Infrastructure Performance Bond \$50,000.00; (d) Section 94 Contribution \$695,531.45; (e) 1/3 Cost of the Dangerous Goods Survey \$7,284.85; Note: The total of the Section 94 Contribution is payable prior to the issue of the Construction Certificate.	<u>Amendment of condition as follows:</u> <i>The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:</i> (a) Development Control Fee \$10,000.00; (b)(a) Builders Damage Deposit \$25,500.00; (c)(b) Infrastructure Performance Bond \$50,000.00; (d) Section 94 Contribution \$695,531.45; (e) 1/3 Cost of the Dangerous Goods Survey \$7,284.85; Note: The total of the Section 94 Contribution is payable prior to the issue of the Construction Certificate. <u>Reasons:</u> 1. Section 80A of the <i>Environmental Planning & Assessment Act 1979</i>, and the <i>Environmental Planning & Assessment Regulations 2000</i>, specify what conditions may be imposed on a development consent. The proposed "Development Control Fee" is not authorised under any known provision of the EP & A Act or regulations. 2. The warrant for a Section 94 contribution is detailed further below under condition 19 (below). Where no s94 contribution is warranted this reference should be removed from Condition 2. 3. Section 80A of the <i>Environmental Planning & Assessment Act 1979</i>, and the <i>Environmental Planning & Assessment Regulations 2000</i> specify what conditions may be imposed on a development consent. The "1/3 Cost of the Dangerous Goods Survey" is not authorised under any known provision of the EP & A Act or regulations, nor is it levied in accordance with any section 94 plan or planning agreement.
7	It is a condition of consent that the applicant shall, at no costs or expense to Council, comply with the following: (a) Dedicate the portion of land to Council for the purpose of	<u>Amendment of condition as follows:</u> <i>It is a condition of consent that the applicant shall, at no costs or expense to Council, comply with</i>

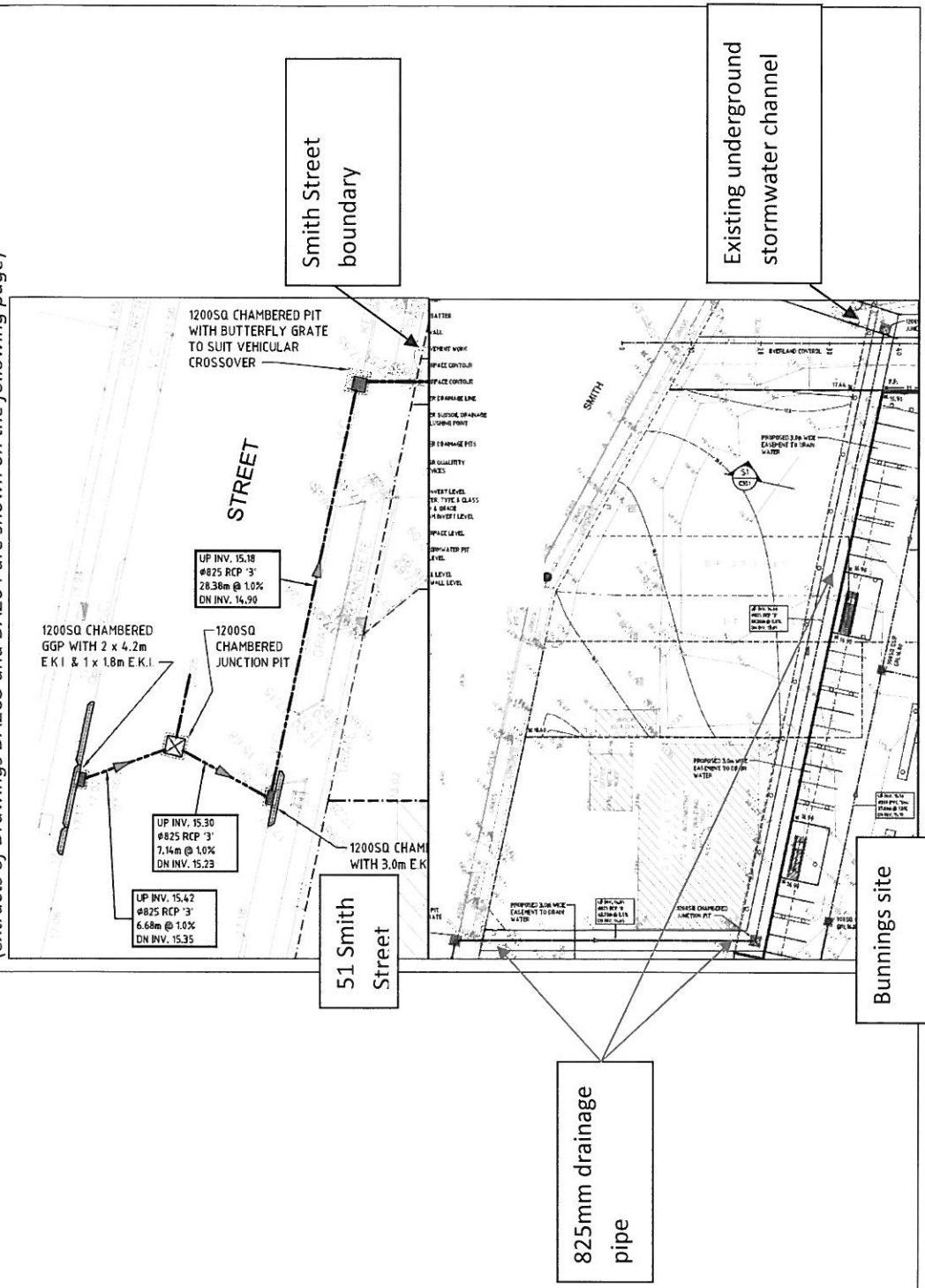
No.	Current condition	Proposed Change & Justification
	widening Denison Street. The areas of the land to be dedicated shall be the full length of Denison Street frontage of the development site and as indicated on the stamped approved plans. The Plan of Dedication shall be lodged with Council prior to the issue of the Construction Certificate and registered with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes; (b) Upgrade the public domain by reconstruction of the kerb and gutter to the full street frontage of the site including footpath, drainage system, street trees, landscaping and any associated works for the street frontage to Denison Street of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans. All the public domain works shall be constructed and completed to Council's satisfaction prior to the issue of any Occupation Certificate; (c) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting both Denison Street and Smith Street in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and (d) Provide appropriate and suitable street lighting to Denison Street in accordance with road authority requirements a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.	the following: (a) Dedicate the portion of land to Council for the purpose of widening Denison Street. The areas of the land to be dedicated shall be generally the full length of Denison Street frontage of the development site and as indicated on the stamped approved plans. The Plan of Dedication shall be lodged with Council prior to the issue of the Construction Certificate and registered shall be lodged with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the proof of lodgement or registered document shall be submitted to Council for record purposes; (b) Upgrade the public domain by reconstruction of the kerb and gutter to the full street frontage to Denison Street of the site including footpath, drainage system, street trees, landscaping and any associated works for the street frontage to Denison Street of the site, at the applicant's expense. All improvements shall be in accordance with specifications and requirements from Council's landscape and engineering sections and the approved civil works construction plans and landscape plans. All the public domain works shall be constructed and completed to Council's satisfaction prior to the issue of any Occupation Certificate; (c) Replace all the existing above ground electricity and telecommunication cables to underground cables within the site and road reserve area fronting both Denison Street and Smith Street in accordance with the guidelines and requirements of the relevant utility authorities. The applicant shall bear all the cost of the construction and installation of the cables and any necessary adjustment works. These works and payments shall be completed prior to the issue of the Occupation Certificate; and (d) Provide appropriate and suitable street lighting to Denison Street in accordance with road authority requirements a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements. <u>Reasons:</u> - Condition 1 identifies the extents of the warranted land dedication and insertion of the word "generally" enable the actual plan to reflect the detailed approved roadworks plans. - Council's suggested standard of "decorative" street lighting is unclear and therefore impossible to comply. Further there is no clear reason why such lighting is warranted in an industrial locality in any event. Street frontages of this site do not currently exhibit high pedestrian flows, nor does a typical Bunnings Warehouse generate significant

No.	Current condition	Proposed Change & Justification
		pedestrian activity on surrounding streets. 3. Given there is no vehicle or public pedestrian access proposed nor sought to Smith Street the actual warrant for alterations to Smith Street powerlines and street light upgrading is unjustified.
12	Emergency Plan - The Applicant shall implement a comprehensive Emergency Response Plan and detailed Emergency procedures for the proposed development. The Emergency Response Plan shall take into account: (a) The potential impacts from the Botany Industrial Park (BIP); (b) The potential impacts from Dangerous Goods traffic incidents along Denison Street; (c) The requirements of Hazardous Industry Planning Advisory Paper No. 1 (HIPAP1) – Industry Emergency Guidelines, and the requirements of AS3745-2002 – Emergency Plans. Emergency response plans should extend to transport incidents on site, fire, or liquid spill and the appropriate response. Such plan shall specifically address the hazards associated with fuel storage and transfer operations on site and appropriate emergency response and fire fighting procedures. Bunnings Management is to liaise with the BIP Site Manager, and the Emergency Services to ensure that appropriate response and communication procedures are integrated into the plan. Given the large chemical storage in the BIP the most potentially far reaching are potential gas releases, these can drift hundreds of meters, and will require communications protocols to ensure information is communicated to Bunnings Management. Key resources and a comms flowchart will form an important part of the emergency response. These are to be documented and submitted to Council prior to any commencement of operations on site.	<u>Amendment of condition as follows:</u> <i>Emergency Plan – Prior to Issue of an Occupation Certificate The Applicant shall implement a comprehensive Emergency Response Plan and detailed Emergency procedures for the proposed development. The Emergency Response Plan shall take into account: (a) The potential impacts from the Botany Industrial Park (BIP);</i> <i>(b) The potential impacts from Dangerous Goods traffic incidents along Denison Street;</i> <i>(c) The requirements of Hazardous Industry Planning Advisory Paper No. 1 (HIPAP1) – Industry Emergency Guidelines, and the requirements of AS3745-2002 – Emergency Plans. Emergency response plans should extend to transport incidents on site, fire, or liquid spill and the appropriate response. Such plan shall specifically address the hazards associated with fuel storage and transfer operations on site and appropriate emergency response and fire fighting procedures. Bunnings Management is to liaise with the BIP Site Manager, and the Emergency Services to ensure that appropriate response and communication procedures are integrated into the plan. Given the large chemical storage in the BIP the most potentially far reaching are potential gas releases, these can drift hundreds of meters, and will require communications protocols to ensure information is communicated to Bunnings Management. Key resources and a comms flowchart will form an important part of the emergency response. These are to be documented and submitted to Council prior to any commencement of operations on site.</i> <u>Reason:</u> 1. The matter of an Emergency Management Plan for the Bunnings Warehouse refers to a requirement applicable at site occupation.
18(l)	Prior to the release of any Construction Certificate, a detailed civil concept geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed	<u>Amendment of condition as follows:</u> <i>Prior to the release of any Construction Certificate for the building works, a detailed civil concept</i>

No.	Current condition	Proposed Change & Justification
	signalized intersection overlayed on a survey plan, shall be submitted to and endorsed by RMS. In addition, no Construction Certificate shall be released until such time that a traffic signal design plan, detailed civil road design and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalized intersection are lodged with RMS;	<i>geometric road design layout (illustrating all road design dimensions and swept paths etc) of the proposed signalized intersection overlayed on a survey plan, shall be submitted to and endorsed by RMS.</i> <i>In addition, no Construction Certificate for the building works shall be released until such time that a traffic signal design plan, detailed civil road design and unconditional bank guarantee (to be determined in consultation between the developer and RMS) for the proposed signalized intersection are lodged with RMS;</i> <u>Reasons:</u> 1. Withholding the ability to commence civil earthworks (and any remediation works) on this site by waiting for RMS approval of detail roadworks design is an unnecessary delay. There is no reason why the two cannot happen at the same time. 2. There will be no risk of the building construction works proceeding without approval of the complementary roadworks plans
19	The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2005-2010: (i) Community Facilities = \$70,707.00; (ii) Administration = \$11,466.00; (iii) Shopping Centre Improvements = \$51,324.00; (iv) Open Space and Recreation = \$476,385.00; (v) Transport Management = \$85,645.45 Sub Total = \$695,531.45 This results in a total contribution of \$695,531.45 to be paid to Council prior to the issue of the Construction Certificate. The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.	<u>Deletion of this condition.</u> <u>Reasons:</u> 1. The site is NOT a "greenfield development site" without a prior history of urban development. It is understood the most recent development on this site (factory) was demolished in approximately 2004. 2. The draft condition seeks to levy monetary contributions pursuant to the "City of Botany Bay Section 94 Contributions Plan 2005-2010" (Section 94 plan). Clauses 2.1 and 2.2 of the section 94 plan sets out the purpose and objective of the plan, essentially to provide for recoupment of costs for additional Council services generated by additional demands arising from new development. 3. Reference documents for this plan reveal that it is based on "baseline" employment data from the 2001 Census, and future workforce trends identified in the 1990s. At both of these times the factory development upon the site was operational. Accordingly it can be stated that the Section 94 plan incorporates employment on this site as "baseline" or the existing situation at the time of plan adoption. On this basis the provision of a credit for prior development is supportable.

No.	Current condition	Proposed Change & Justification
		4. Two development consents have been issued on this site and contributions levied pursuant to the same section 94 plan; being DA08/126 (approved 6/11/08) and DA 05/258. In both cases the applicable section 94 assessment considered and accepted a "credit" to the equivalent of 14,470m² of GFA which reflected the long standing prior factory use of the site. In terms of Table 8.2 of the Section 94 plan this equates to a credit of 200 employees. A fair application of the principles applicable to those developments, pursuant to the same section 94 plan, indicates the Bunnings development on this site should similarly be eligible for the credit for previous development. 5. Applying the workforce density of Table 8.2 of the section 94 Plan to the proposed GFA for the Bunnings development (14,920m²), and applying a Showroom rate of 85.1m²/employee, yields an employee number for the purposes of the section 94 plan of 175 for the Bunnings development. (I note the section 94 plan's employee density of 85.1m²/100m² GFA is higher than other Bunnings Warehouses wherein the average employee density is closer to 1/100m² GFA.) 6. Council officers brought a local infrastructure issue, being a drainage "sag" in Smith Street, to Bunnings attention during the DA assessment process. At officer's suggestion Bunnings included in its DA documentation a proposal for drainage works which provide a "Material Public Benefit". This work will occur to the north and uphill of No.s 51-55 Smith Street. Notwithstanding the fact rectification of this local flooding issue is not in any section 94 plan, Bunnings have depicted these works in the civil engineering drawings (DA203 and DA 204) submitted with this DA, and comprise in summary: (i) Kerb inlets and chambers on both sides of Smith Street, (ii) 6 junction pits (iii) A total of 175 metres of 825mm diameter RCP under Smith Street, entering the site and eventually linking street drainage to the existing Sydney Water pipes (iv) Provision of an easement in favour of Council across the Bunnings site to cover the new public drainage system 7. A conservative estimate of the value of these drainage works (exclusive of easement costs) would exceed \$120,000. 8. We consider that the foregoing information warrants no imposition of a Section 94 contribution for this development at all. In the alternative, we consider that the circumstances of the case and the terms of Section 94(5)(b) of the <i>Environmental Planning & Assessment Act 1979</i>, enables the consent authority to accept that the material public benefit offered in this development, is accepted in full satisfaction of a

condition for section 94 contributions.
(extracts of Drawings DA203 and DA204 are shown on the following page)



No.	Current condition	Proposed Change & Justification
25	Prior to the issue of the Construction Certificate, the turning path diagrams shall be revised to address the following: (a) All submitted turning path diagrams should be in scale; (b) The swept path of 19m articulated vehicle turning left from Denison Street to the site shall be revised to ensure there is no encroachment to the kerb return; (c) The swept path of 19m articulated vehicle turning into the loading/unloading area north-eastern of the building shall be revised to ensure the vehicle can stand entirely within the dedicated loading/unloading area.	<u>Amendment of condition as follows:</u> <i>Prior to the issue of the Construction Certificate for building works, the turning path diagrams shall be revised to address the following: (a) All submitted turning path diagrams should be in scale;</i> <i>(b) The swept path of 19m articulated vehicle turning left from Denison Street to the site shall be revised to ensure there is no encroachment to the kerb return;</i> <i>(c) The swept path of 19m articulated vehicle turning into the loading/unloading area north-eastern of the building shall be revised to ensure the vehicle can stand entirely within the dedicated loading/unloading area.</i> <u>Reasons:</u> 1. The detail refer to the building design and minor details of it and ought not be used to hold up commencement of demolition, earthworks &/or remediation works in the project.
26	Prior to the issue of the Construction Certificate, the construction plans shall show the following details: the applicant shall lodge an application to Council and Roads and Maritime Services (RMS) for the civil works associated with the development to be carried out in public domain area (including road reserve). Details of the civil works, designed and prepared by suitably qualified civil with relevant qualification, shall be submitted to Council and RMS as part of the documentation of application and all costs associated with the design and construction shall be borne by the applicant. The civil works in public domain area shall include the following: (a) The new signalized intersection and concrete median on Denison Street, together with any associated work; (b) The upgrading works of the street drainage system on Smith Street, together with any associated works; (c) Reconstruction of kerb and gutter along the Denison Street frontage of the site including the extension of the footpath	<u>Amendment of condition as follows:</u> <i>Prior to the issue of the Construction Certificate for the building works, the construction plans shall show the following details: the applicant shall lodge an application to Council and Roads and Maritime Services (RMS) for the civil works associated with the development to be carried out in public domain area (including road reserve). Details of the civil works, designed and prepared by suitably qualified civil with relevant qualification, shall be submitted to Council and RMS as part of the documentation of application and all costs associated with the design and construction shall be borne by the applicant. The civil works in public domain area shall include the following:</i> <i>(a) The new signalized intersection and concrete median on Denison Street, together with any associated work;</i> <i>(b) The upgrading works of the street drainage system on Smith Street, together with any associated works;</i> <i>(c) Reconstruction of kerb and gutter along the Denison Street frontage of the site including the extension of the footpath construction to Smith Street;</i> <i>(d) Reconstruction of concrete footpath along the Denison Street and Smith Street frontage of the site;</i>

No.	Current condition	Proposed Change & Justification
	construction to Smith Street; (d) Reconstruction of concrete footpath along the Denison Street and Smith Street frontage of the site; (e) Construction of vehicular crossing (minimum 10 metres wide at the property boundary and at 90o to the property boundary line); (f) Line marking and all necessary signage to RMS's requirement; (g) Replacement of all existing above ground electricity and telecommunication cables to underground cables within the road reserve along Denison Street frontage of the site; (h) Provision of appropriate and suitable street lighting to a high decorative standard to the Denison Street frontage of the site; (i) Streetscape improvements works; Documentary evidence of the lodgement of the application shall be submitted to the Principal Certifying Authority attesting the condition has been complied with.	(e) Construction of vehicular crossing (minimum 10 metres wide at the property boundary and at 90o to the property boundary line); (f) Line marking and all necessary signage to RMS's requirement; (g) Replacement of all existing above ground electricity and telecommunication cables to underground cables within the road reserve along Denison Street frontage of the site; (h) Provision of appropriate and suitable street lighting to a high decorative standard to the Denison Street frontage of the site; (i) Streetscape improvements works; Documentary evidence of the lodgement of the application shall be submitted to the Principal Certifying Authority attesting the condition has been complied with. <u>Reasons:</u> 1. The detail refer to the building design and minor details of it and ought not be used to hold up commencement of demolition, earthworks &/or remediation works in the project. 2. Subsection (h) refers to an indeterminate standard and there is no evidence that current street lighting is inadequate. 3. Even if street lights were substandard in Denison Street, this is not a matter solely attributable to the proposed Bunnings development, and thus we submit it is an unreasonable condition
30	Prior to the issue of Construction Certificate, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS 2890.2 and AS2890.6.	<u>Amendment of condition as follows:</u> Prior to the issue of Construction Certificate for building works, design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS 2890.2 and AS2890.6. <u>Reason:</u> 1. The detail for parking area design and certification is relevant to the CCs for the building phase of the development.

No.	Current condition	Proposed Change & Justification
31	Prior to the issue of the Construction Certificate, a qualified civil engineer experienced in hydrology shall certify the measures and recommendations from the revised flood study report have been shown and included in the construction plans. Certification from the engineer shall be submitted to Principal Certifying Authority. All costs associated with the certification shall be borne by the applicant.	<u>Amendment of condition as follows:</u> <i>Prior to the issue of the Construction Certificate for building works, a qualified civil engineer experienced in hydrology shall certify the measures and recommendations from the revised flood study report have been shown and included in the construction plans. Certification from the engineer shall be submitted to Principal Certifying Authority. All costs associated with the certification shall be borne by the applicant.</i> <u>Reasons:</u> 1. The “construction plan” detail referred to in the condition is relevant to the CCs for the building phase of the development.
32	Prior to the issue of the Construction Certificate, detailed construction plans in relation to the stormwater management and disposal system for the development shall be prepared by a suitably qualified civil engineer experienced in stormwater drainage design and submitted to Principal Certifying Authority for approval. The construction plans shall be generally in accordance with the approved stormwater management plans and Council’s ‘Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay’, AS/NSZ 3500 and BCA requirements.	<u>Amendment of condition as follows:</u> Prior to the issue of the Construction Certificate for building works, detailed construction plans in relation to the stormwater management and disposal system for the development shall be prepared by a suitably qualified civil engineer experienced in stormwater drainage design and submitted to Principal Certifying Authority for approval. The construction plans shall be generally in accordance with the approved stormwater management plans and Council’s ‘Guidelines for the Design of Stormwater Drainage Systems within City of Botany Bay’, AS/NSZ 3500 and BCA requirements. <u>Reasons:</u> 1. The “construction plan” detail referred to in the condition is relevant to the CCs for the building phase of the development
35	Prior to the issue of the Construction Certificate, the measures required in the amended Noise Impact Assessment Report prepared by Wilkinson Murray dated October 2012 (Revision C), the letter from Wilkinson Murray dated 18 September 2013 and letter from Wilkinson Murray dated 20 February 2014 shall	<u>Amendment of condition as follows:</u> <i>Prior to the issue of the Construction Certificate for building works, the measures required in the amended Noise Impact Assessment Report prepared by Wilkinson Murray dated October 2012 (Revision C), the letter from Wilkinson Murray dated 18 September 2013 and letter from Wilkinson</i>

No.	Current condition	Proposed Change & Justification
	be incorporated into the construction of the building and indicated on the Construction Certificate drawings.	<i>Murray dated 20 February 2014 shall be incorporated into the construction of the building and indicated on the Construction Certificate drawings.</i> <u>Reasons:</u> 1. The reference to “construction of the building” referred to in the condition is relevant to the CCs for the building phase of the development.
36	Prior to the issue of the Construction Certificate, the fire booster assembly must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and shall not be located within the Denison Street landscape setback. The assembly shall be softened by landscaping so as not to reduce the visual amenity of the development or the streetscape. Screen planting shall be installed around the electrical kiosk. Details shall be provided on the Construction Certificate drawing and documentation.	<u>Amendment of the condition as follows:</u> <i>Prior to the issue of the Construction Certificate for the building works, the fire booster assembly must be located in an unobtrusive location away from vehicle and pedestrian entrances to the property and shall not be located within the Denison Street landscape setback. The assembly shall be softened by landscaping so as not to reduce the visual amenity of the development or the streetscape. Screen planting shall be installed around the electrical kiosk. Details shall be provided on the Construction Certificate drawing and documentation.</i> <u>Reasons:</u> 1. The detail of booster valve location and landscaping design are not matters necessarily required prior to issue of CCs for demolition, earthworks or remediation works,
64	Any damage not shown in the dilapidation report as required by Condition No. 23 submitted to Council before site works have commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of Occupation Certificate.	<u>Amendment of the condition as follows:</u> <i>Any damage not shown in the dilapidation report as required by Condition No. 23 submitted to Council before site works have commenced, and can be reasonably established to be caused by the development, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of Occupation Certificate.</i> <u>Reasons:</u> 1. It is our opinion this presumption is unreasonable and should be limited to damages

No.	Current condition	Proposed Change & Justification caused by the development.
65	(d) Provide appropriate and suitable street lighting to a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.	<u>Amendment of the condition as follows:</u> <i>(d) Provide appropriate and suitable street lighting to Denison Street in accordance with road authority requirements a high decorative standard to both street frontages of the site, so to provide safety and illumination for residents of the development and pedestrians in the area. All street lighting shall comply with relevant electricity authority guidelines and requirements.</i> <u>Reasons:</u> 1. Amendment to wording to be consistent with proposed amendments to condition 7.
67	Prior to the issue of the Occupation Certificate, following off-street parking bays shall be provided to the development in accordance with the approved plans: (a) Four hundred and twenty-one (421) for car parking; and (b) Eighteen (18) for motorcycle parking.	<u>Amendment of the condition as follows:</u> Prior to the issue of the Occupation Certificate, following off-street parking bays shall be provided to the development in accordance with the approved plans: (a) Four hundred and twenty-one (4204) for car parking; and (b) Eighteen (18) for motorcycle parking <u>Reason:</u> 1. The amendment is warranted to be consistent with the DA approved plans
84	To ensure that the site is suitable for the proposed use, a further Site Audit Statement (SAS) completed by an accredited site auditor under the Contaminated Land Management Act 1997 shall be submitted to Council clearly demonstrating any remediation that has occurred or environmental monitoring plan in place, and that the site is suitable for the development. This shall be provided to Council for approval prior to the release of the Occupation Certificate.	<u>Deletion of the condition</u> <u>Reasons:</u> 1. The requirement to submit the Site Audit Statement is in fact redundant given the SAS was submitted to Council and JRPP on 3 September 2013, and is referenced in condition 1.
90	A drainage easement 3 m wide shall be created burdening proposed Lot 4 and in favour of Council and proposed Lot 1 as	<u>Amendment of the condition as follows:</u>

No.	Current condition	Proposed Change & Justification
	shown in the subdivision plan, prepared by Land Partners, Plan No. 72445.003, Sheet 1, dated 5 Jun 2012. The linen plan showing the location of drainage easement shall be lodged with Council prior to determination of the Construction Certificate. Proof of registration shall be submitted to the Principal Certifying Authority prior to release of occupation certificate/ subdivision certificate.	<i>A drainage easement 3-m wide shall be created burdening proposed Lot 4 and in favour of Council and proposed Lot 1 as shown in the subdivision plan, prepared by Land Partners, Plan No. 72445.003, Sheet 1, dated 5-Jun 29 Oct 2012. The linen plan showing the location of drainage easement shall be lodged with Council prior to determination of the Construction Certificate. Proof of registration shall be submitted to the Principal Certifying Authority prior to release of occupation certificate/ subdivision certificate.</i> <u>Reasons:</u> 1. The condition refers to a superseded version of the subdivision plan and is inconsistent with the plan referred to in Condition 1. This plan shows an easement for the proposed pipe.
91	Prior to the issue of Subdivision Certificate, the applicant shall, at no costs or expense to Council, dedicate the portion of land to Council for the purpose of road widening on Denison Street in order to accommodate the proposed intersection on Denison Street and southern driveway of the site. The areas of land to be dedicated will be subject to the detailed engineering design submitted and approved by Council. The Plan of Dedication shall be lodged with Council for review and registered with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the registered document shall be submitted to Council for record purposes.	<u>Amendment of the condition as follows:</u> <i>Prior to the issue of Subdivision Certificate, the applicant shall, at no costs or expense to Council, dedicate the portion of land to Council for the purpose of road widening on Denison Street in order to accommodate the proposed intersection on Denison Street and southern driveway of the site. The areas of land to be dedicated will be subject to the detailed engineering design submitted and approved by Council. The Plan of Dedication shall be lodged with Council for review and registered lodged with the Department of Lands prior to the issue of the Occupation Certificate. A copy of the lodgement receipt or registered document shall be submitted to Council for record purposes.</i> <u>Reasons:</u> 1. The condition made reference to two different compliance stages (SC and OC). To clarify and to logically apply this requirement it is proposed that the requirement to dedicate land for road widening is implemented prior to OC. 2. It is unnecessary to require the dedication to occur prior to the issue of a Subdivision Certificate, when it is appropriate for the dedication to be shown on the same subdivision plan submitted for a Subdivision Certificate.
92	The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, detention	<u>Amendment of the conditions as follows:</u>

No.	Current condition	Proposed Change & Justification
	systems and rainwater tanks) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.	The stormwater drainage system on-site (including all pits, pipes, absorption, detention structures, treatment devices, detention systems and rainwater tank, however excluding the Smith Street drainage system which will travel through the site) shall be regularly cleaned, maintained and repaired in accordance with the maintenance schedule submitted to Council to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected at regular intervals after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. <u>Reasons:</u> 1. To clarify that it is not Bunnings responsibility to monitor and clean the new street drainage infrastructure in Smith Street, nor its continuation through the site. 2. Stormwater systems do not typically require inspection and review at every rainfall event. Periodic inspection is considered sufficient to maintain function.
94.	The following number of parking bays shall be made available at all times during business hours for staff and visitors: (a) Four hundred and twenty-one (421) for car parking; (b) Eighteen (18) for motorcycle parking.	<u>Amendment of the condition as follows:</u> The following number of parking bays shall be made available at all times during business hours for staff and visitors: (a) Four hundred and twenty-one (4201) for car parking; (b) Eighteen (18) for motorcycle parking. <u>Reasons:</u> 1. Amendment to this condition is warranted to align with the amended version of condition 67 and match the DA approved plans referred to in Condition 1.
95(b)	The access and movement of 19-metre articulated vehicles to the site is limited to four (4) per day, during the hours stipulated in Condition No. 96 and in accordance with Condition No. 106(d).	<u>Deletion of the condition</u> <u>Reasons:</u> 1. There is no acoustic compliance basis for the proposed limitation on articulated vehicles.

No.	Current condition	Proposed Change & Justification
106(d)	(i) During any single 15 minute period, only one (1) truck shall access the eastern loading dock, only one (1) forklift truck shall operate in association with the dock and only one (1) truck accessing the service driveway during the entire 15 minute period. No vehicle shall exceed a speed of 3km/hour.	<u>Deletion of the condition</u> <u>Reasons:</u> 1. There is no acoustic compliance basis for the proposed condition. 2. Minimising the number of forklifts able to unload goods in fact slows the unloading time and extends the time which trucks are in place and forklift operations within the Goods Inwards area. This limitation delays the efficient dispatch of trucks out of the Goods Inwards area.