

30 July 2012

Angela Kenna  
Project Officer  
Panel Secretariat  
Sydney East Joint Regional Planning Panel  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Kenna,

### **2012SYE028 – 41-49 Willarong Road & 29 Koonya Circuit, Caringbah: Review of Assessment Report and Draft Conditions**

On behalf of the applicant, Caringbah Unit Trust, we have had the opportunity to review Sutherland Shire Council's 'Assessment Report and Recommendation' and 'Draft Conditions of Consent'.

We would like to clarify and/or potentially reword the following Draft Conditions of Consent:

- Condition 1 – Modify condition to reflect updated architectural plans as agreed by Council.
- Condition 6 – Modify condition to ensure that future development consent is only required by either relocated or new tenancies.
- Condition 15 – Modify condition to ensure that condition is consistent with the proposed architectural plans.
- Condition 20 – Modify condition to ensure that only new car parking spaces are subject to relevant Australian Standards (i.e. no change to existing car parking spaces as per the Traffic Report).
- Condition 34 – Modify condition to reflect updated tree removal plan.
- Condition 35 - Modify condition to reflect updated tree removal plan.
- Condition 43 – Modify wording to reflect the current condition referred to in the development consent for the site.

We have proposed alternative wording for these conditions below to ensure that these matters are reflected in the final development consent.

#### **Condition 1 – Approved Plans and Documents**

We recommend the following wording to reflect that two plans have recently been updated to reflect amendments to the Willarong Road landscape interface. This matter has separately been agreed with Council:

*The development shall be implemented substantially in accordance with the details and specifications set out on drawings No. A6000 (2), A6001 (2), A6002 (2), A7000 (3), A7000a (2), A7000C (3), A7001 (3), A7001B (3), A7002 (3), A7004 (1), A7005 (1),*

A7100 (3), A7101 (2), A7102 (2), A7103 (2), A7104 (3), A7105 (2), A7106 (2), A7200 (2), A7201 (2), A7202 (2), A8000 (2), A8001 (2), A8002 (2), A8003 (2), A8004 (2), A8005 (2) & A8006 (2) prepared by arc, the stormwater drainage design drawings No.0621 sheets SC01/C, SC02/C, SC03/D, SC04/C and SC05/C prepared by Neil Lowry 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.

## Condition 6 – Initial Use of Tenancies

We are unclear on the intent of the words ‘existing’ and ‘approved’ within the above condition. Any existing or approved tenants within the Centre are subject to existing development consent and should not be reliant on the consent granted under this application. We recommend the following proposed wording which ensures that relocated or future tenancies are subject to separate development consent:

*This development consent does not provide approval for the use of any ~~existing, approved or~~ **relocated or** future tenancies. Separate development applications are to be lodged for the first/initial use of each of the new or ~~extended~~ **relocated** tenancies.*

## Condition 15 – Design and Construction of Frontage Works

We note that Condition 15 does not accurately reflect the proposed architectural and landscape plans and suggest changes as outlined in bold below. In addition, we note that proposed tree pruning on Koonya Circuit (proposed in the Landscape Plan) is not mentioned in the conditions of consent, and that this should be added below. We have therefore proposed a condition in this regard.

*Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant within the Road Reserve in conjunction with the development. The design drawing shall comply with the approved architectural design drawings and provide the following;*

### A) Willarong Road

- a) Construct ~~two~~ **one new** 4m wide vehicular crossings and associated laybacks,
- b) Transition works for the footpath pavement and verge to eliminate any ‘trip’ hazards and create gentle change of grades,
- c) Turf all denuded areas of the footpath verge,
- d) Reinstate the Road carriageway shoulder where damaged by gutter reconstruction,
- e) Adjust public services infrastructure where required,
- f) Relocate street parking signs where required,
- g) Remove street tree No.8 **12** & No.40 **13**, and
- h) Install three (3) *Eucalyptus Botryoides* (Bangalay) Street Trees.

### B) Koonya Circuit

- a) Establish the property alignment levels,

- b) Reconstruct the vehicular crossing that serves the loading dock driveway,*
- c) Transition works for the footpath pavement and verge to eliminate any 'trip' hazards and create gentle change of grades,*
- d) Turf all denuded areas of the footpath verge,*
- e) Adjust public services infrastructure where required,*
- a (f) Relocate street parking signs where required,*
- b (g) Remove street tree No. 5 7, and*
- c (h) Install three (3) Tristaniopsis Laurina (Water Gum) Street Trees.*

***(i) Tree pruning in accordance with the Landscape Plans***

***C) Taren Point Road***

- a) Construct a link footpath pavement between the existing concrete footpath pavement and the proposed 'disable access ramp',*
- b) Transition works for the footpath verge to eliminate any 'trip' hazards and create gentle change of grades,*
- c) Turf all denuded areas of the footpath verge, and*
- d) Adjust public services infrastructure where required.*

*Application for the road frontage works design shall be lodged with Sutherland Shire Council prior to release of the of the Construction Certificate and levels at the boundaries obtained from Sutherland Shire Council prior to commencement of works. The creation of this design shall be undertaken by Sutherland Shire Councils Engineering Division.*

*Note 1: Councils Engineering Division charges a fee for the creation of the frontage works design. A quotation may be obtained by contacting the Sutherland Shire Councils Assets Manager.*

*Note 2: 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).*

*Street trees are numbered on approved drawing 'Tree Retention & Protection'.*

## Condition 19 – Stormwater Drainage System

Condition 19 refers to recommendations in the flood report concerning crest heights for the driveway and pedestrian link from Koonya Circuit. It also refers to upgrading the basement pump-out system to deal with additional stormwater flow to the basement car parking due to the construction of the crest in the driveway previously referred to. It should be clarified that the purpose of the crest in the driveway is to limit the amount of stormwater flow that can enter the basement – rather than creating additional flows to the basement.

We also request that the condition be modified to ensure that a qualified stormwater engineer can sign off on the stormwater design, rather than an additional certifier.

*Plans including all engineering details relevant to the site regarding collection and dispersal of stormwater from the buildings shall be submitted with the construction certificate. The stormwater drainage system shall be designed and constructed in accordance with the approved stormwater drainage design drawing and Australian Standard AS/NZS3500.3.2:1998, except where modified by the following;*

- a) Create a 'crest' in the driveways and pedestrian access-way with associated side retaining walls to prevent flooding stormwater from inundating the site from Koonya Circuit. The finished upper surface level of the aforementioned crest shall accord with the recommendations made by FloodMit Flood Assessment Report July 2012,*
- b) The reflux valve / check value must be installed within the development site and in close proximity to the Koonya Circuit front boundary to prevent surcharging flood waters from back flow,*
- c) The basement pump-out system has been upgraded to be in compliance with Sections 5 and 9 and Appendix L of AS/NZS3500.3:2003, and*
- d) The rainwater harvesting and reuse system shall be installed / constructed to comply with the following;*
  - i) Harvest rainwater shall be used for landscape irrigation purposes and toilet flushing,*
  - ii) The landscaped areas shall be provided with an automatic dripper irrigation system (not a spray system),*
  - iii) The irrigation system must be detailed,*
  - iv) The rainwater tanks shall have a minimum capacity of 75 cubic metres,*
  - v) As rainwater is harvested from the surface of a car park, a stormwater treatment facility must be installed. This facility must be designed in compliance with the Department of Environment and Conservation document 'Managing Urban Stormwater – Harvesting and Reuse'. As the run-off will be used to irrigate publicly accessible areas with unrestricted access, Table 6.4 Level 2 stormwater quality criteria for public health risk management (page 49) must be used to establish a safe level of treatment for the stormwater run-off.*
  - vi) The first rainwater receiving rainwater tank must be fitted with an appropriately sized first flush device that causes initial run-off stormwater to bypass the tanks,*
  - vii) The rainwater tanks must have signs affixed to them stating that they contain stormwater and all stormwater related pipe lines must be labelled and differentiated by colour, and*
  - viii) Ensure suitable proofing for the prevention of mosquito breeding.*

*Certification from an Accredited Certifier for stormwater design or a ~~Chartered Civil Engineer~~ **qualified hydraulic engineer**, to the effect that the stormwater drainage, rainwater reuse and water harvesting systems design has been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.*

*Certification from an appropriately qualified ~~and experienced Environmental Scientist/Engineer~~ **qualified hydraulic engineer**, to the effect that the stormwater treatment*

facility design has been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

*Note: Through construction of the crest additional stormwater will flow to the basement car park and the operation of an emergency overland flow to Keonya Circuit is not possible. It is recommended that consideration is given to the upsizing and upgrading of the basement pump-out system to deal with the aforementioned altered emergency flow situation and or the failure of or part blockage of the existing stormwater drainage system. **The purpose of the crest in the driveway is to limit the amount of stormwater flow that can enter the basement.***

## Condition 20 – Vehicular Access-Way and Parking Layout

As noted in the Traffic and Parking Assessment, there are a number of existing parking areas that do not comply with current standards and cannot comply due to the existing column grid. Also, Class 3A parking allows for 2.7m wide spaces with 6.2m aisle. However, the new car parking spaces and aisle widths will, as discussed in the Traffic and Parking Assessment.

We recommend the following modifications to the condition:

*The vehicular access-way and car park layout shall be designed and constructed to comply with the approved architectural design drawings, except where modified by the following;*

- a) Align with Council's issued vehicular crossing levels,*
- b) The vertical alignment of the vehicular access-way shall comply with AS2890.1:2004 for a B99,*
- c) ~~The maximum longitudinal grade of the proposed driveway ramp shall be 16.7%,~~  
**Ramp grades to comply with AS2890.1-2004***
- d) ~~All proposed~~ **New** aisle and parking bays shall be designed to meet the numeric standards for 'user class' 3A, ~~where A = 2.6m and 'aisle width' = 6.6m, and~~*
- e) ~~All~~ **New** 'disable' parking bays must be designed in accordance with AS2890.6:2009.*

*Certification from an Accredited Certifier or a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle accessway have been prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate. Note: Be advised that item b) is based on Council's minimum standard of a B99 vehicle (Ford Falcon Sedan). The recommended condition will not necessarily protect exotic or altered cars from "scraping" the vehicular accessway.*

## Condition 34 – Removal of Trees

We note that Condition 34 does not accurately reflect the proposed landscape plans and suggest changes as outlined in bold below.

*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", i.e. Tree No. 44 **7**.*

- 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 (i.e. Tree Nos. **7, 12, 13 5, 8 and 40**) shall be organised in consultation with Council's Parks Tree Maintenance Officers (contact Customer Service Call Centre 9710 0333 to create CRMS request).

The trees referred to in this condition (trees **7, 12, 13 5, 8, 10 & 11**) are shown on the ~~tree retention and protection sketch plan dated 2012-07-16~~ **on Context drawing LS0000 (Revision H)**

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.

### Condition 35 – Tree Retention and Protection

As discussed above, tree retention and protection is referred to in Context drawing LS0000 (Revision H) rather than those specified in the draft condition. To avoid confusion, we consider the following revised wording.

~~The following trees as shown~~ **indicated on Context drawing LS0000 (Revision H)** ~~for tree retention and protection sketch dated 2012-07-16,~~ shall be retained and protected.

#### ~~Tree Retention and Protection~~

#### ~~Tree No. Tree Species Location on site~~

- ~~1 Melaleuca quinquenervia Taren Point Rd frontage~~
- ~~2 Melaleuca quinquenervia Taren Point Rd frontage~~
- ~~3 Melaleuca quinquenervia Taren Point Rd frontage~~
- ~~4 Melaleuca quinquenervia Taren Point Rd frontage~~
- ~~6 Eucalypt spp. NE corner Willarong Rd~~
- ~~6A-E Waterhousia spp Clump, NE corner Willarong Road~~
- ~~7 Eucalypt spp. Street tree, Willarong Rd~~
- ~~9 Eucalypt spp. Street tree, Willarong Rd~~

## Condition 43 – Vehicular Access-ways, Pedestrian Access-ways, Services and Loading Docks

Draft Condition 43 states:

- a) An easement shall be created upon No.29 Koonya Circuit, over the vehicle access-way to the loading dock off Koonya Circuit for the benefit of No.41 to 49 Willarong Road.*
- b) An easement shall be created upon No.29 Koonya Circuit, over the vehicle access-way to the car park off Koonya Circuit for the benefit of No.41 to 49 Willarong Road.*
- c) An easement shall be created upon No.41 to 49 Willarong Road, over the vehicle access-way to the car park upon No.29 Koonya Circuit for the benefit of No.29 Koonya Circuit.*
- d) An easement shall be created over the loading dock and associated manoeuvring area upon No.41 to 49 Willarong Road, access off Koonya Circuit, to allow the Café operator, located upon No.29 Koonya Circuit, to use this facility.*
- e) Pedestrian access-way easements shall be created where required to allow access to 'new showroom 1555sq.m'.*
- f) Easements shall be created where required to allow services to 'new showroom 1555sq.m'.*

Given that there already exists a long standing lease agreement for access between both landowners, we propose this revised condition of consent.

**43 The applicant shall provide evidence of an executed binding lease agreement with the owner of lot 21 in DP 800924 (known as 29 Koonya Circuit) which provides:**

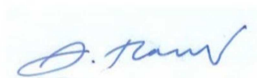
- (a) vehicular access to the loading dock off Koonya Circuit for the benefit of No. 41 to 49 Willarong Road.***
- (b) vehicular access to the car park off Koonya Circuit for the benefit of No. 41 to 49 Willarong Road.***
- (c) vehicular access to the car park upon No. 29 Koonya Circuit for the benefit of No. 209 Koonya Circuit.***
- (d) access off Koonya Circuit to allow the Café operator, located upon No. 29 Koonya Circuit, to use this facility.***
- (e) Pedestrian access- to allow access to 'new showroom 1555sq.m'.***
- (f) The ability to provide for services to 'new showroom 1555sq.m'.***

***This consent shall cease to operate if the person acting on the consent ceases to have a relevant leasehold interest at any time post satisfaction of this condition.***

We consider that it is reasonable for Council to accept our amended condition because the Lease agreement grants the applicant exclusive possession of 29 Koonya Circuit with all the rights that would be granted by the easements required.

We trust that this information assists in your final consideration of conditions for this application. If you have any questions, please don't hesitate to contact myself or Stephen White from our office.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "A. Harvey", enclosed in a light blue rectangular box.

**Andrew Harvey**  
Associate Director