

**ASSESSMENT REPORT FOR JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP Ref. No.</b>	<b>2013SYE100</b>
<b>D/A No.</b>	<b>506/2013</b>
<b>Local Government Area</b>	<b>City of Canterbury</b>
<b>Property</b>	<b>155, 157 and 159-163 Kingsgrove Road and 30, 34, 36 and 38 Richland Street, Kingsgrove</b>
<b>Proposal</b>	<b>Demolition of structures, earthworks, consolidation of lots and construction of a building including first use as Bunnings Warehouse, with car parking, signage and landscaping</b>
<b>Applicant/Owner</b>	<b>Applicant – Bunnings Owner – Bunnings</b>
<b>Number of submissions</b>	<b>8 (including 2 petitions with 3 and 12 signatures respectively)</b>
<b>Recommendation</b>	<b>Approval (by way of a Deferred Commencement), with conditions</b>
<b>Report By</b>	<b>Andrew Ison – Senior Planner</b>

### **EXECUTIVE SUMMARY**

- Council has received Development Application (DA-506/2013) for demolition of structures, earthworks, consolidation of lots and construction of a building including first use as Bunnings Warehouse, with car parking, signage and landscaping, at the subject site.
- This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A(3) of Environmental Planning and Assessment Act 1979 as the proposed development has a capital investment value of greater than \$20 million.
- The subject site is zoned IN2 Light Industrial under Canterbury Local Environmental Plan 2012. ‘Hardware and building supplies’ is a permissible land use in this zone with development consent.
- The development application has been assessed against the provisions contained in State Environmental Planning Policy No. 33 – Hazardous and Offensive Development, State Environmental Planning Policy No.55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposal is found to generally be in compliance with the requirements of these policies.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of Development Control Plan 2012. During

this time, Council received eight submissions, including two petitions with 3 and 12 signatures respectively. Issues raised in the submissions and our responses to those issues are provided in the body of this report.

- The development application is recommended for approval on a deferred commencement basis, with concurrence from the Road and Maritime Services with respect to traffic management at the Kingsgrove Road / Richland Street intersection required before the development consent becomes operational.

## **SITE DETAILS**

The subject site is known as 155, 157 and 159-163 Kingsgrove Road and 30, 34, 36 and 38 Richland Street, Kingsgrove. The site contains a total of 7 properties, and has a combined area of 13,193 square metres (m<sup>2</sup>). It contains a number of commercial and industrial buildings as well as other associated structures along Kingsgrove Road, as well as 4 residential dwellings on Richland Street.

The surrounding area is characterised by a mixture of uses, such as Kingsgrove North High School to the north, residential dwellings to the east, industrial uses to south and west, and also the Sydney Buses Kingsgrove depot to the south west. The subject site is located approximately 300m to the north of the South Western Motorway (M5).

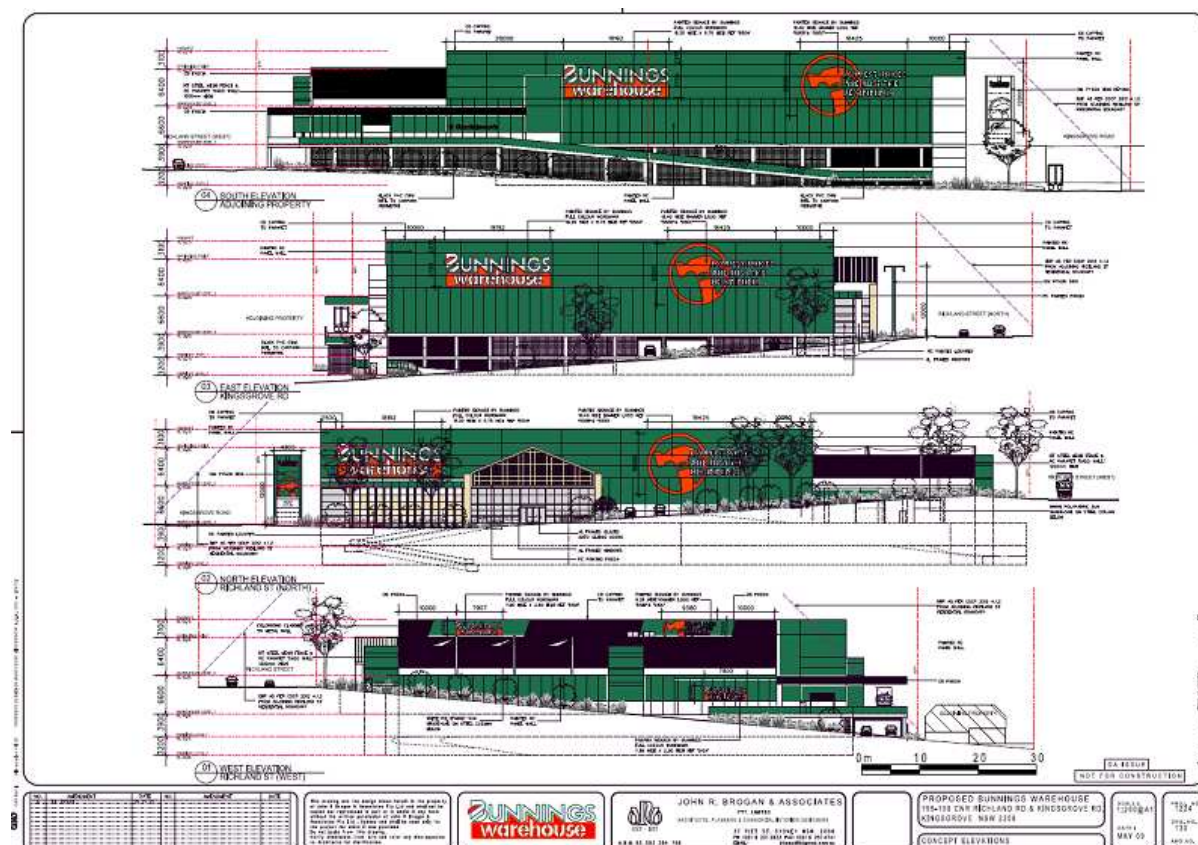


## **PROPOSED DEVELOPMENT**

Development consent is sought for the following:

- The demolition of all structures on across the 7 lots;
- Removal of all vegetation on site;
- Remediation works;
- Earthworks including excavation;
- Consolidation of the existing 7 lots into 1;
- Construction of a new building with a total gross floor area of 13,250m<sup>2</sup>;

- Use of this building as a Bunnings Warehouse with a retail area across two levels, a covered outdoor nursery, bagged goods store, timber trade sales area, café, office, amenities, service road, ramps and loading areas;
- Car parking for 410 vehicles, across two levels;
- 2 vehicular access points off Kingsgrove Road and 3 off Richland Street;
- Nine wall business identification signs and a 12 metre high pylon sign; and
- Proposed hours of trading are 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.



## STATUTORY PROVISIONS

The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the Environmental Planning and Assessment Act, 1979, the application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans (DCPs), codes and policies are relevant:

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage

- State Environmental Planning Policy (Infrastructure) 2007
- Canterbury Local Environmental Plan 2012
- Canterbury Development Control Plan 2012
- Section 94 Contributions Plan 2013

## ASSESSMENT

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act 1979 and the following key issues emerge.

- **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

This SEPP requires Council to ensure that there is sufficient information to assess whether the development is hazardous or offensive, by way of items that will be stored and stocked for sale. Pursuant to Clause 8 of the SEPP, an assessment was made under the guidelines published by the Department of Planning and Infrastructure relating to hazardous or offensive development.

The proposed use will stock and sell a large number of items that are classified as dangerous substances, across a number of classes. However, the total quantity stored of these goods does not exceed the SEPP 33 thresholds when a screening review is undertaken.

It concluded that SEPP33 does not apply to this proposal, and therefore a preliminary hazard analysis is not required to accompany the application. Accordingly, the development is not classed as hazardous or offensive. Council has reviewed this and agrees with the methodology undertaken and conclusion.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

The applicant has submitted a contamination assessment for the site in support of this application. It was concluded that:

- Slightly elevated heavy metal contaminations were encountered in the groundwater. These results were considered to be a regional issue rather than a site specific one;
- The diesel AST located in the north section of the site should be removed by a suitably qualified consultant;
- The status of the suspected UST(s) should be investigated further and if located to be removed in accordance with the relevant requirements.
- Fill material identified on the site should be assessed in order to estimate the volume of material classified as Hazardous Waste for disposal purposes;
- A Hazardous Building Material Assessment should be undertaken prior to the demolition of any site buildings or structures;

- An asbestos consultant should be engaged to facilitate the removal of asbestos containing materials from the buildings and the site surface;
- A Salinity Management Plan is prepared for the proposed development; and
- Undertake inspections during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations.

This has been reviewed by our Environment and Health officer. Appropriate conditions, where applicable will be imposed on any consent issued. The land is not identified on the Acid Sulfates Soil LEP map, and therefore no further considerations are required with respect to salinity management.

- **State Environmental Planning Policy No.64 – Advertising and Signage**

The proposal includes nine wall signs (with a total area of 964.187m<sup>2</sup>) and a free-standing 12m x 4.8m pylon sign near the Kingsgrove Road / Richland Street intersection.

Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be “business identification signs” in that they identify the business but do not include the general advertising of products, goods or services. The proposed sign has also been assessed against the Schedule 1 assessment criteria of the SEPP. The signs are considered acceptable on the basis that:

- it is deemed compatible with the existing character of the area, being reflective of typical commercial signage and complementary to the use of the site;
- the signs will not detract from any special areas;
- the wall signage is considered that it will not dominate the local skyline or unacceptably detract from views into, out of or through the area. However, there are concerns with the height of the proposed pylon sign, and a reduction down to 8m is deemed to be more acceptable given the relationship of the site with residential development opposite;
- the proposed signs will provide some visual interest to the Kingsgrove Road and Richland Street streetscapes, with the wall signs being an appropriate scale and form for this area and will not protrude above any building or significant landscape features in the area;
- the scale and proportions of the wall signs, as well as the reduced height of the pylon sign are considered acceptable, having regard to their identification functions, the proposed building for the site, the surrounding landform and landscape features;
- the proposed pylon sign, whilst internally illuminated, will not impact on the amenity of neighbouring residential dwellings. This will be conditioned with respect to compliance with AS4282-1997 – Control of the obtrusive effects of outdoor lighting as well as only being switched on during operating hours; and
- given its location and design, it is not considered that the signs will reduce safety for passing pedestrians or motorists or that they will obscure any sight lines.

Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

- **State Environmental Planning Policy (Infrastructure) 2007**

The SEPP aims to facilitate the effective delivery of infrastructure, including providing appropriate consultation with relevant public authorities about certain development during the assessment process. The proposed development falls within the provisions of Schedule 3 of the SEPP, as it involves the erection of a commercial building with a floor area greater than 2,500m<sup>2</sup> and is located within 90 metres from a classified road, that being Kingsgrove Road.

As such, the application was referred to the Roads and Maritime Services (RMS) for comment and concurrence. The RMS has advised that it raises no objection to the proposed development, subject to conditions.

- **Canterbury Local Environmental Plan 2012**

The subject site is zoned IN2 Light Industrial under the provisions of the LEP. The proposed development is defined as a “hardware and building supplies”, which is a permissible land use in this zone.

In terms of the proposed development’s consistency with the zone objectives, the relevant objectives of the zone seek to “provide a wide range of light industrial, warehouse and related land uses”, “to encourage employment opportunities and to support the viability of centres”, “to minimise any adverse effect of industry on other land uses”, “to support and protect industrial land for industrial uses”.

It is considered that the proposed development is consistent with these objectives. The proposed use will contribute to the range of land uses in the Kingsgrove industrial area, be a substantial employer in the area, will operate in a manner that will minimise impacts on the surrounding land uses and will be of a size that will protect a large portion of industrial land in that area.

#### ***Part 4 – Principal Development Standards***

<b>Standard</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Clause 4.4 Floor Space Ratio	1:1	1.004:1	No – see variation below.

##### Variation to floor space ratio

The total gross floor area is 57m<sup>2</sup> over the area representing an FSR of 1.004:1. Accordingly, this requires a variation to a development standard, pursuant to Clause 4.6 of the LEP, and has been submitted as part of this DA.

Clause 4.6 of the LEP states that an appropriate degree of flexibility can be considered in applying certain development standards to particular development, in order to achieve better outcomes for and from development by allowing this flexibility in particular circumstances

The applicant has argued that it does not result in any detrimental impacts to the surrounding properties, and that it is generally compliant with the applicable controls for the site. The additional floor area above the requirement of the LEP will not be discernable and as such will not add any obvious additional bulk and scale to the building. Therefore it is considered to be a very minor variation, and accordingly is deemed that a

strict imposition of this development standard is unreasonable and unnecessary. In this regard, the variation is considered acceptable and is worthy of support.

- **Canterbury Development Control Plan 2012**

An assessment of the proposal against the relevant requirements of the Canterbury Development Control Plan (DCP) 2012 is detailed below.

***Part 4 – Industrial Areas***

The current application compares against Part 3 of the Canterbury Development Control Plan 2012 as follows:

Control	Requirement	Provided	Compliance
<b><i>Envelope controls</i></b>			
Part 4.1.1 Site requirements	Minimum 20m frontage required	The site has a 97m frontage to Kingsgrove Road	Yes
Part 4.1.2 Height	Buildings that adjoin dwellings are to comply with Building Height Plane	There is a small encroachment on the southern boundary, adjacent to 28 Richland Street	No – see variation below
Part 4.1.3 Setback	Minimum front setback (Kingsgrove Road) of 5m	The building is setback 6m from Kingsgrove Road	Yes
	Minimum secondary setback (Richland Street) of 2m	The building is setback 13m from Richland Street	Yes
Part 4.1.4 Maximum site coverage	Maximum site coverage of 66%	The site coverage is 60.5%	Yes
<b><i>Design controls</i></b>			
Part 4.2.1 Façade design and articulation	Contemporary façade design expressing the structure of the building	The design of the façade is distinctive to the Bunnings Warehouse brand by way of its bulk and scale	Yes
	Pedestrian entries to be visually reinforced	Entries into the building are easily identified	Yes
	Long spans of blank walls to be screened by landscaping	Any long walls will be screened by large trees	Yes
	Façade treatments on both street frontages with articulation of elevations	The façade on all four elevations demonstrate a variety of materials and finishes. There is articulation	Yes



Control	Requirement	Provided	Compliance
		elements on the Richland Street elevations, particularly through the customer entry portion	
Part 4.2.2 Storage and handling facilities	Adequate space within building for loading and unloading of vehicles	The loading area is deemed large enough to cater for all sized vehicles, for the purposes of loading and unloading	Yes
	Plant, equipment, goods and other materials within building or suitably screened from residential development	It is considered that the loading area, as well as all plant and equipment will be suitably screened from adjoining properties by way of landscaping. No plant or machinery will protrude above the roof line. All goods will be stored within the building at all times, and this can be imposed as a condition on any consent that is issued.	Yes
	Lighting to not create glare and nuisance to adjoining residential properties	This can be imposed as a condition on any consent that is issued	Yes
Part 4.2.3 Open space and landscape design	Minimum deep soil zone of 5m on front setback	A minimum area of 6m is provided	Yes
	Minimum deep soil zone of 2m on secondary setback	A minimum area of 13m is provided	Yes
	Minimum deep soil zone of 2m on boundary with dwelling	A minimum area of 2m is provided	Yes
<b><i>Performance controls</i></b>			
Part 4.3.1 Staff amenity	Outdoor amenity area of at least 25m <sup>2</sup>	No outdoor area is provided, however	No – see variation



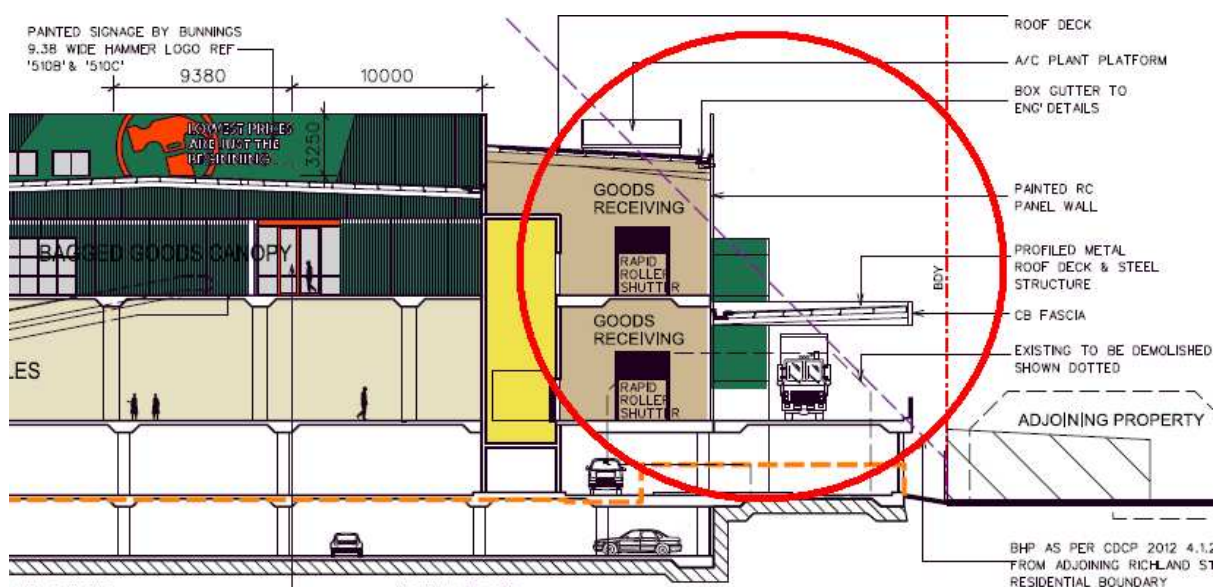
Control	Requirement	Provided	Compliance
		an internal area is provided on level 2.	
Part 4.3.2 Visual privacy	Restricting views into adjoining residential areas	There are no windows that will overlook into adjoining residential properties	Yes
Part 4.3.3 Acoustic privacy	Acoustic report required, with noise mitigation measures recommended	An acoustic report has been provided, with mitigation measures recommended	Yes
Part 4.3.4 Operating hours	If operating outside of 7:30am to 5:30pm Monday to Saturday, demonstration required that it will not adversely impact on adjoining residential uses	Proposed hours of operation are 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed	No – see variation
	Loading and unloading time is not to impact on the amenity of nearby residential areas	Loading and unloading times will be restricted to 7.30am to 5.30pm, and this will be imposed by way of a condition on any consent that issued	Yes
Part 4.3.6 Climate control	Promoting the use of energy efficiency principles	The proposed development is designed to reduce energy consumption through the use of landscaping to shade and screen the building, natural ventilation and energy efficient fixtures and fittings	Yes
Part 4.3.8 Chemical storage	Details of the types, volumes and methods of storage of any chemicals or hazardous	An inventory of any hazardous or offensive materials has been lodged and	Yes

Control	Requirement	Provided	Compliance
	materials to be used on site shall be submitted with a DA	has been assessed under the SEPP 33 requirements earlier in the report	
	All chemicals shall be stored and handled in accordance with Australian Standard 1940: 1993 – The Storage and Handling of Flammable and Combustible Liquids, and the Environment Protection Manual for Authorised Officers: Technical Section (Bunding and Spill Management) 1995	This can be imposed as a condition on any consent that is issued	Yes

The non-compliances identified are discussed further below.

#### Building height plane

The building height plane is encroached along the southern edges of the site, on the second level, as shown below:



Whilst there is an encroachment into the height plane in this location, the applicant has argued that the proposed development has been specifically designed to provide relief to

the southern adjoining site by setting back the primary southern wall of the warehouse approximately 10 metres from the boundary.

Furthermore, the adjoining residential dwelling, which is a care takers dwelling associated with warehouse uses on the site is in an industrial zone. Additionally, it is considered that in the medium to long term, this site is likely to be redeveloped into an industrial building. In any event, the majority of the non-compliance occurs for a steel awning structure providing weather protection to the loading area, which does not result in any adverse impacts on the adjoining property. In this regard, the variation is considered acceptable and is worthy of support.

#### Staff amenity

There is a staff amenity area located within the mezzanine level above warehouse level 2. It is considered a better outcome to locate this area within the building, as it will better protect the amenity of the area, by providing a central area that is protected from the weather elements. In this regard, the variation is considered acceptable and is worthy of support.

#### Operating hours

The proposal adjoins residential land to the east. The proposed hours of trading are 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed. All commercial activities, including the outdoor nursery and bagged goods canopy will occur within enclosed structures. Furthermore, restrictions will be placed on the times that delivery vehicles can service the site, that being 7.30am to 5.30pm.

Additionally, an acoustic report has been provided in support of this application, which has concluded in part that compliance with established site specific noise criteria will be achieved at all residential receivers with the expectation of a small exceedance at residences located on industrial zoned land to the south of the site (i.e. on Richland Street). This has been reviewed by our Environment and Health officer, and is deemed to be acceptable. In this regard, the variation to the standard hours is considered acceptable and is worthy of support in this instance.

### ***Part 5.1 – Advertising and Signage***

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Part 5.1.1 Signage analysis and strategy	Proposed signage is integrated with design of building, and compatible with surrounding locality	It is considered that the proposed signs are appropriate to the bulk and scale of the proposed building	Yes
Part 5.1.2 General design and siting controls	Signage to not project above predominant building scale	No signage projects above the roofline	Yes
	Complements the streetscape	It is considered that the wall signage is well integrated	Yes

Control	Requirement	Provided	Compliance
		within the design of the building, whilst the pylon sign will not dominate the streetscape by way of its location, bulk and scale.	
	Does not dominate in terms of scale, number, proportion and form, and no detrimental effect on occupants of residential properties	The proposed signage does not dominate the streetscape nor on the amenity of adjoining residential properties	Yes
Part 5.1.3 Appearance and maintenance	High standard of design and presentation, allowing for easy maintenance	It is considered that there is a high standard of design and presentation and allows for easy maintenance	Yes
Part 5.1.7 Industrial zones	To not exceed 0.5m <sup>2</sup> per 2m of road for premises with two frontages	There is 326m of road frontage, requiring a total of 163m <sup>2</sup> . The total area of the signage is 964.187m <sup>2</sup> .	No – see variation
Part 5.1.10 Illuminated signs	Illumination can be restricted to hours of operation where it is considered that residential properties will be impacted	This can be imposed as a condition on any consent that is issued	Yes
Part 5.1.11 Vehicular and pedestrian safety	Designed and located so as to not be confused with traffic signals and devices	Design and colours will ensure that there is no confusion	Yes
	Design and place freestanding signs so they do not create a safety risk to pedestrians and motorists	Location of pylon sign will not impact on travel paths for pedestrians and motorists	Yes

The non-compliances identified are discussed further below.

#### Signage area

Given the size of the building and its location, it is required to be of a certain size in order to achieve its chief objective of being identified as business signage. Furthermore,

the total coverage of area of signs is less than 10% of the total wall area, which in itself should be utilised as a more acceptable achievement as a key control as to assessing signage on a building. Accordingly, it can be concluded that there is not a proliferation of signage on the building.

In this regard, the variation is considered acceptable and is worthy of support.

***Part 6.1 – Access and Mobility***

The Disability Access Committee has provided its comments in relation to the development. The Committee raised no objection to the development proceeding subject to the imposition of conditions of consent, and a requirement that the development must be designed and constructed to comply with the Disability Discrimination Act, 1992, Disability (Access to Premises – Buildings) Standard 2010, and National Construction Code.

***Part 6.2 - Climate, and energy and resource efficiency***

The primary objective of this part is to ensure that all new developments contribute to a more sustainable urban environment where energy efficiency is incorporated into the design, construction and use of buildings, particularly through passive heating and cooling, use of energy efficient water, appliances and lighting, and water saving devices and reuse. It is considered that this is demonstrated, by way of the following high floor to ceiling heights permitting natural ventilation of air and reducing reliance on air conditioning; use of “e-tronic” lighting; and use of rainwater in the plant nursery. This can be imposed, where relevant by the imposition of conditions of consent.

***Part 6.3 - Crime Prevention Through Environmental Design (CPTED)***

The proposed development will not contribute to creating opportunities for additional criminal activity and is consistent with the objectives and principles relating to natural surveillance, access control and ownership.

The proposal has been assessed by our Community Safety Committee who has advised that no objection is raised to the proposed development provided relevant conditions are imposed on any consent issued relating to crime prevention and community safety matters.

***Part 6.4 - Development Engineering, Flood and Stormwater***

The stormwater proposal submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. These requirements can be imposed, where relevant by conditions of consent.

***Part 6.6 - Landscaping***

The application has been reviewed by our Landscape Architect and was found to satisfy the relevant requirements, with both tree removal and tree planting. Conditions relating to tree removal and the landscaping can be imposed, where relevant by conditions of consent.

***Part 6.8 - Vehicle access and parking***

**Parking**

The DCP does not set an applicable rate for hardware and building supplies, and therefore reverts to the RTA guidelines for a comparison of similar developments. The development application has been accompanied by a traffic and parking assessment, which states that the proposed rate of approximately 1 space of 32.3m<sup>2</sup> is deemed to be appropriate.

This rate compares favourably to rates applied for retail shops in locations away from town centres. It is considered that the proposed off-street parking will adequately cater for the traffic expected to be generated by the proposed development. Our traffic engineer has also raised no objections to the proposed parking provision. On this basis, the proposed number of off-street parking spaces is appropriate.

Bicycle parking and facilities have been provided on level 1 of the parking area, adjacent to the main entry to the building, to comply with part 6.8.8 of the DCP.

### Traffic

Pursuant to part 6.8.6, a traffic study has been provided in support of this application. It concluded that if the development will not result in any adverse traffic impacts on the road system serving the site subject to prohibition of the right turn into Richland Street at Kingsgrove Road, the proposed parking provision will be quite adequate to satisfy peak demands, and internal circulation, layout of parking and service vehicle areas will be suitable for the purpose.

The development application has been reviewed by our Local Traffic Committee. The resolution included the following:

- **Kingsgrove Road at the Richland Street intersection:** To accommodate the future high demand of right turn vehicles from the proposed development and the existing high demand of buses (from the Sydney Buses depot) turning left from Omnibus Road onto Kingsgrove Road, the best option would be the installation of new traffic signals at the Richland Street and Kingsgrove Road intersection. All costs for the design and installation of the traffic signals would be met by the applicant.
- **Manins Avenue intersection:** There are already existing traffic congestion problems in Kingsgrove Road at the intersection of Manins Avenue, which is a dead end street. The additional traffic generated by the proposed development will impact on this intersection. It is recommended that “Do Not Queue Across the Intersection” line markings are to be painted on the road pavement at this intersection.
- **Phasing of traffic lights at the St. Albans Road / Homer Street and Omnibus Road intersections:** The traffic signals at this intersection are required to be co-ordinated adequately with those at the Kingsgrove Road / Omnibus Road intersection, so that motorists at the Omnibus Road intersection do not get delayed as a result of traffic queuing back from the Homer Street intersection. If there is an installation of traffic lights at the Richland Street intersection, this will need to be factored into the phasing considerations.

Accordingly, given the processes required, it is recommended that any approval granted by the JRPP is to be on a Deferred Commencement basis, with a period of time of 12 months to comply with these requirements.

Other matters that were part of the resolution were:

- **Installation of median island in Kingsgrove Road:** A median is proposed to be constructed along a portion of Kingsgrove Road, to restrict right turns from Kingsgrove Road into the site.
- **Parking restrictions:** The full Kingsgrove Road frontage and frontage of Richland Street adjoining Kingsgrove High School will need to be provided with full time “No Parking” restrictions, as well as the retention of the existing bus zone on Richland Street in association with the adjoining high school. This can be imposed as a condition on any consent that is issued.

### ***Part 6.9 Waste Management***

The application has been reviewed by our Waste Services Coordinator and was found to satisfy the requirements of this part, with respect to waste management during the demolition / construction phase, as well as ongoing management once the store is trading. Conditions relating to management during all of these phases can be imposed as a condition on any consent that is issued.

- **Section 94 Contributions Plan 2013**

The Section 94A provisions contained in Council’s Section 94 Contributions Plan 2013 apply to this proposed development, at the rate of 1% of the total value of works, which will be \$316,000.

### **Additional considerations**

- **Pylon sign**

It is noted that there are no specific controls relating to pylon signs. However, it is considered that the proposed height at 12m is excessive, and should be reduced to 8m. This is primarily due to the location of the site being opposite a residential area and also to be a not too dominant feature in the area. Conditions relating to imposing a restriction to 8m high can be placed on any consent that is issued.

- **National Construction Code**

The development application has been reviewed and assessed by our Building Officer who has raised no objection to the proposal subject to appropriate conditions being imposed, including that full compliance with the National Construction Code is to be achieved.

- **Proposed excavation works**

The proposed development involves excavation and construction works in close proximity to property boundaries and neighbouring properties. It has been recommended that a condition be imposed that requires the submission of a report by an accredited Engineer detailing the structural adequacy of the adjoining properties to withstand the excavation works proposed.



Further an additional condition requiring the applicant to provide a dilapidation report for the adjoining properties, prior to the issue of the Construction Certificate is also recommended. Should any damage to adjoining properties result from the proposed excavation works at the subject site, the applicant will be required to rectify all damages.

- **Noise**

An acoustic assessment was lodged in support of the application. It has determined that compliance with established site specific noise criteria will be achieved at all residential receivers with the expectation of a small exceedance at residences located on industrial zoned land to the south of the site (i.e. on Richland Street, with respect to the operation of the loading dock); the acoustic amenity of the adjacent school will not be adversely affected; and whilst there is compliance with traffic noise criteria was established at existing residences on Kingsgrove Road, there will be an exceedance of traffic noise criteria was predicted for houses in the industrially zoned area on Richland Street and Omnibus Road, in particular on the weekend.

Our Environment and Health officer has reviewed the report, and agrees with the recommendations and it ensures compliance with the Noise Guide for Local Government. Concerns have arisen with the exceedance in traffic noise, however, this is an industrially zoned area and is therefore a deemed acceptable. There were also concerns about the impacts of the loading area on the residential properties directly adjoining it to the south. A condition will be imposed with relation to restricting the hours of delivery from 7:30am to 5:30pm.

- **Built form**

The development site occupies an important gateway site into the Kingsgrove industrial area. Whilst it can be considered as a visually bulky and generally a featureless architectural form, a proportioned portico structure, a limited number of signs, the breaking up of the built form on the western elevation with the nursery and bagged goods area, as well as landscaping and setbacks all combine to reduce the visual bulk of the building and also respond to the location.

- **Economic impacts**

It is considered that this proposed use will not have significant adverse implications for the economic performance of established business centres such as Kingsgrove and those in the surrounding region. Whilst it is noted that this development will involve low to medium losses for existing businesses in the area, it is anticipated that these stores will continue to operate. These negative externalities are outweighed by net positive impacts relating to the generation of extra employment to the area, as well as providing an opportunity to further strengthen and vitalise the Kingsgrove industrial area.

### **External Referrals**

- **Roads & Maritime Services**

As per the provisions of the Infrastructure SEPP 2007, the application was referred to the Roads Maritime Services (RMS) for their comment and concurrence. The RMS has advised that it raises no objection to the proposed development as it will not have a significant traffic impact on the classified road network.

## **PUBLIC EXHIBITION/NOTIFICATION**

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of the DCP. During this time, Council received 8 submissions (including 2 petitions with 3 and 12 signatures respectively) raising a number of concerns, discussed as follows:

*There was no consultation with the residents about this proposal*

Comment: There are no obligations by either the applicant or Council to notify other parties of proposed developments before lodgement. The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of Part 7 of the DCP.

*A representative from Bunnings has been doorknocking properties about acquisition*

Comment: Council cannot comment on what otherwise appears to be a commercial decision by Bunnings to maximise the land area for this proposed development.

*It will generate large amounts of traffic*

Comment: As discussed earlier in this report, this has been reviewed by Council's Local Traffic Committee and also the RMS. Appropriate traffic management measures will be imposed as conditions of consent.

*There is insufficient car parking*

Comment: As discussed earlier in this report, the car parking rate has been calculated at 1 space per 32.3m<sup>2</sup> of floor area. This is deemed to be comparable with similar types of commercial developments elsewhere in the Canterbury LGA. It is considered that sufficient off-street parking will be provided to meet the expected traffic demands of the development.

*It will impact on the amenity of the area*

Comment: As discussed earlier this report, an acoustic assessment has been provided in support of this application. It is noted that there will be some noise impacts on residential properties on Richland Street and Omnibus Road, with respect to the loading dock as well as traffic generation. However, these are zoned industrial and are also deemed to be of a minor nature, and therefore will not have a detrimental impact on the amenity of the locality.

*It will impact on the small businesses in the area, in particular other hardware stores, some of which have closed recently*

Comment: As discussed earlier in the report, it is considered that this proposed use will not have significant adverse implications for the economic performance of established business centres such as Kingsgrove and those in the surrounding region.

*Truck movements particularly on Richland Street, with large trucks currently parking outside of the high school. This will only get worse*

Comment: Large trucks (i.e. articulated vehicles) will have a limited path of movement, by way travelling along the southern part of the site between the southernmost entry point on Kingsgrove Road and exiting on Richland Street adjacent to the Australia Post facility at 25-27 Richland Street. Furthermore, a condition of consent will be imposed to restrict parking along Richland Street opposite the high school.

*Consideration should be given to traffic calming measures, traffic lights and pedestrian crossings at the Richland Street and Kingsgrove Road intersection, and at all vehicular entries / exits to the proposed development site*

Comment: As discussed earlier in the report, there will be a requirement for a detailed design for the management of traffic at the Kingsgrove Road / Richland Street intersection, subject to approval from the RMS. Conditions of consent will be imposed on other entry / exit points, by way of compliance with the Australian Standard for off street parking, as well as modifications as recommended by the Local Traffic Committee.

*Concerns about pedestrian safety*

Comment: As stated earlier in the report, these matters have been considered by our Local Traffic Committee and these considerations can be imposed as conditions of consent.

*Proposed median should go further north to Pacific Street*

Comment: Council has received submissions from the residents of Arinya Street and Pacific Street, both as part of this application as well as a stand-alone issue before this DA was lodged with Council. This relates to the closing of Pacific Street at Kingsgrove Road, stating concerns that it is used as a “rat run” by motorists travelling north up Kingsgrove Road and wish to travel east along Homer Street, but avoid the signalised intersection at the Kingsgrove Road / St Albans Road / Homer Street. In light of the proposed median, these residents have requested that the median is further extended to in turn not allow right turns into Pacific Street. The threshold for road closure in accordance with RMS guidelines is 2,000 vehicles per day, and the most current traffic count is 1,781 vehicles per day for Pacific Street. Therefore, the extension of the median cannot be considered at this stage. However, if there is a subsequent increase in traffic in Pacific Street as a result of this development, this matter can be reconsidered at a later date, and if the number of vehicles exceed 2,000 then an extension of this median can be considered.

*No parking restrictions should be placed on Manins Avenue*

Comment: It is considered that this matter is out of the scope of the proposed development. However, if there are ongoing concerns with parking on this street post-construction, this matter can be dealt with as a separate matter, through Council’s Local Traffic Committee.

*The no right turn restrictions as proposed as part of this application should be enforced by an extension of the median*

Comment: As stated earlier in the report, traffic management at this intersection will be subject to further detailed designs, and will require approval from the RMS.

*Will there be any planned improvements to Kingsgrove Road as part of this development*

Comment: This road is under the control and ownership of the RMS. There are no requirements to upgrade the condition of Kingsgrove Road as part of this proposed development, and it is anticipated that any future improvements will be part of maintenance programs initiated by the RMS.

*The building is too high*

Comment: As stated earlier in this report, the building generally complies with the building height plane as per Part 4 of the DCP, with the exception of a small area on the southern boundary. However, it is considered a minor encroachment and the variation is worthy of support. No statutory building height controls apply to the subject site.

*Visual overlooking of the high school from the proposed development is to be avoided*

Comment: There are no openings on the northern elevation of the building which would look into the adjoining high school.

*Noise and vibration generated during the construction and operation of the proposed development are to be considered with respect to the adjoining high school*

Comment: This requirement will be imposed as a condition on any consent that is issued.

*Student health and learning environments are not adversely affected by dust generated during construction*

Comment: This requirement will be imposed as a condition on any consent that is issued.

*An authorised contractor is to manage the containment and removal of all contaminants and asbestos from the site, to protect the adjacent school and its community*

Comment: This requirement will be imposed as a condition on any consent that is issued.

*A Construction Environment Management Plan is to be implemented that mitigates impact on the school during the construction and ongoing management of the proposed development*

Comment: This requirement will be imposed as a condition on any consent that is issued.

*The applicant is to communicate and work with the school to identify issues and mitigate potential impacts*

Comment: This requirement will be imposed as a condition on any consent that is issued, as part of the Construction Management Plan.

*Concerns on the impacts that entry / exit points on Richland Street will have on the existing bus stop / drop off points for the high school*

Comment: The entry and exit point on Richland Street opposite the high school will service the timber trade sale area, which will cater for a smaller amount of traffic relating to this part of the hardware store's operations. Additionally, no articulated trucks will be able to drive into the site given the swept paths that are demonstrated on the plans.

*What measures will be put in place to prevent the escape of feral animals escaping the site and entering the school during the construction phase*

Comment: This requirement will be imposed as a condition on any consent that is issued, as part of the Construction Management Plan.

## **CONCLUSION**

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies and has been found to be satisfactory and worthy of support.

The design of the proposed development is compatible with the future and desired local character of the area and represents a quality development that will positively contribute to the Kingsgrove Road streetscape and indeed the local built environment. Furthermore, it will have positive economic impacts by providing employment as well as retail services to the area. As such, it is recommended that the development application be approved on a deferred commencement basis, subject to conditions.

## **RECOMMENDATION**

THAT the Joint Regional Planning Panel approve DA-506/2013 for the demolition of structures, earthworks, consolidation of lots and construction of a building including first use as Bunnings Warehouse, with car parking, signage and landscaping, subject to a Deferred Commencement consent, and with the following conditions:

- A. Canterbury City Council grants its consent to the development application as a **DEFERRED COMMENCEMENT** Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council, within 12 months, sufficient to satisfy the conditions listed below before the consent can operate. The deferred commencement conditions are:
1. A Traffic Management Plan is to be prepared for consideration and concurrence from the Roads and Maritime Services with respect to traffic management along Kingsgrove Road, including (but not limited to):
    - The Richland Street intersection;

- The Manins Avenue intersection; and
- Phasing of traffic lights to ensure an acceptable flow of traffic.

The resolution of the ordinary Local Traffic Committee dated 3 March 2014 and extraordinary meeting 11 March 2014, available to view on the City of Canterbury's website ([www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au)), is to provide guidance as to what are the preferred treatments.

- B. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued by Council after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

#### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Note: The following conditions acknowledge that the development will occur in certain stages as follows:

- Demolition/site clearing
  - Construction Certificate (Excavation & shoring)
  - Construction Certificates (Building works)
- The following must be submitted to either Council or an Accredited Certifier prior to the issuing of the relevant Construction Certificate:
    - Details of:
      - Structural Engineering Plan
      - Building Specifications
      - Fire Safety Schedule
      - Landscape Plan
      - Sydney Water Notice of Requirements
      - Mechanical Ventilation of Basement Carpark (Section 4.4 of AS 1668.2)
      - Compliance with Disability (Access to Premises – Buildings) Standards 2010.
    - Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
    - Payment to Council of:
 

Kerb and Gutter Damage Deposit	\$21,955.50
Section 94 Contributions	\$316,000.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$110,600.00
    - If you appoint Council as your Principal Certifying Authority, the following fees are payable:
 

Construction Certificate Application Fee	\$64,468.00
Inspection Fee	\$17,040.00
Occupation Certificate Fee	\$6,285.00

Note 1: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 4: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

#### BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
  - 2.1. Detailed plans and specifications of the building must be endorsed with the relevant Construction Certificate by the Council or an Accredited Certifier, and
  - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
  - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

#### DEMOLITION

3. Demolition must be carried out in accordance with the following:
  - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
  - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
  - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
  - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
  - (e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m. Mondays to Fridays

7.00 a.m. – 12.00 noon Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
  - (f) Burning of demolished building materials is prohibited.
  - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
  - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
  - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
  - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
  - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited



and contain all relevant details of the responsible person/company including a contact number outside working hours.

- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at [www.lead.org.au](http://www.lead.org.au).
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

#### SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
  - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
  - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
  - 4.3. That unauthorised entry to the work site is prohibited.

#### GENERAL

5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions contained in this Notice and the following specific conditions:

Drawing No.	Drawing Title	Prepared by	Received by Council on
1224-005	Demolition Plan	John R Brogan	22/11/13
1224-010	Site Outline Plan	John R Brogan	22/11/13
1224-030	Parking Level 2 Plan	John R Brogan	22/11/13
1224-031	Parking Level 1 Plan	John R Brogan	22/11/13
1224-032	Warehouse Level 1 Plan	John R Brogan	22/11/13
1224-033	Warehouse Level 2 Plan	John R Brogan	22/11/13
1224-034	Site and Roof Plan	John R Brogan	22/11/13
1224-120	Sections	John R Brogan	22/11/13
1224-130	Elevations	John R Brogan	22/11/13

- 6.1 The pylon sign is to be reduced to be a maximum height of 8 metres above adjacent finished ground level. Details shall be provided with the application for the Construction Certificate.

- 6.2 The exit driveway of the loading dock on to Richland Street is to be widened to ensure the safe movement of heavy rigid vehicles. Details shall be provided with the application for a Construction Certificate.
6. Finishes and materials being in accordance with the 'External Colours and Finishes Schedule' received by Council on 22 November 2013. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
  7. A dilapidation report/photographic survey of the adjoining properties at 2 St. Albans Road, 25-27, 29-31, 28, 35, 37 and 39 Richland Street, and 164, 165, 166, 167, 168, 170, 172, 174, 176, 178 and 180 Kingsgrove Road detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate. On completion of the excavation and building works and prior to the occupation of the building, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority and Canterbury City Council if Council is not the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person(s) as soon as possible and prior to the occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the persons entitled to act on this Consent.
  8. Four hundred and ten (410) off street car parking spaces being provided in accordance with approved DA plans.
  9. The driveways and car parking areas must be designed in accordance with AS2890.1-1993 (Off-street car parking).
  10. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.  
The monetary contribution of \$316,000 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:
- | Contribution Element                 | Contribution |
|--------------------------------------|--------------|
| <input type="checkbox"/> Section 94A | \$316,000    |
- Note:** Council's Section 94 Contributions Plan 2013 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website [www.canterbury.nsw.gov.au](http://www.canterbury.nsw.gov.au). A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.
11. All loading and unloading in relation to the use of the premises taking place wholly within the property.
  12. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
  13. All building construction work must comply with the National Construction Code.

14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
16. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
17. The trading hours being confined to between 6:00am and 10:00pm Mondays to Fridays, 6:00am to 7:00pm Saturdays, Sundays and Public Holidays. No vehicles delivering to or picking up goods from the premises before 7:30am and after 5:30pm with no delivery vehicles standing in the street prior to this time.
18. Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act 1975, shall be submitted to the WorkCover Authority in accordance with their requirements.
19. All chemicals shall be stored in accordance with:
  - (a) Australian Standard 1940-1993 The Storage and Handling of Flammable and Combustible Liquids, and
  - (b) Environment Protection Authority Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management).
20. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
21. Submission of a Soil and Water Management Plan, including details of:
  - (a) property details (location, applicant, drawn by, date, scale)
  - (b) accurate property description (property boundary)
  - (c) contours
  - (d) access point and access control measures
  - (e) location and type of all sediment control measures
  - (f) location of existing vegetation to be retained and undisturbed ground
  - (g) any existing watercourse or drainage
  - (h) material stockpile areas and storage and control methods
  - (i) location of new drainage features (stormwater inlet pits)
  - (j) revegetation proposals, including specifications on materials used and methods of application

(NOTE: For guidance on the preparation of the Plan refer to the Soil and Water Management for Urban Development guidelines produced by the Southern Sydney Regional Organisation of Councils.)
22. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
23. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
24. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.

25. During construction and demolition works, a single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
26. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
27. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
28. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
29. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
30. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
31. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
32. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
33. All vehicles carrying materials to or from the site having their loads covered at all times with tarpaulins or similar covers in accordance with the Roads (General) Regulation 2000, Section 11 (1) (d).
34. No construction work outside the hours of Monday to Friday, 7.00 a.m. to 5.00 p.m. and Saturday, 7.00 a.m. to 12.00 noon, is permissible without the prior approval of Council. Noise from construction activities associated with the development shall comply with the following guidelines (from NSW Environment Protection Authority Environmental Noise Control Manual Chapter 171).

Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to the any sensitive noise receiver.

Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to the any sensitive noise receiver.

#### LANDSCAPING

35. The submitted landscape plan (drawn by John Lock and Associates, drawing no. 2020 LP – 0, no. 2020 LP – 02 and no. 2020 LP – 03 and submitted to council on 22<sup>nd</sup> November 2013) shall be amended to address the following items:
  - 35.1. The proposed species of street trees for Kingsgrove Road shown on the submitted landscape plan are to be substituted for *Callistemon viminalis* (common name Weeping Bottlebrush).
  - 35.2. A Maintenance Schedule is to be included:
    - replacement strategy for failures in plant materials and built works,

- maintenance schedule for watering, weeding and fertilizing during the establishment period
- the maintenance period for the landscaping must be set for 6 months.

This amendment must be submitted to Council or certifier prior to the issue of the Construction Certificate

36. The existing street trees, 6 x *Callistemon viminalis* (common name Weeping Bottlebrush) and 1 x *Eucalyptus sp.* (common name Gum) growing along Richland Street may be removed to accommodate construction. This removal is conditional with the replacement planting of min. 6 x *Eucalyptus sp.* (common name Gum) street trees in a min 75ltr container size, as specified in the submitted landscape plan.
37. The existing street trees, 4 x *Callistemon viminalis* (common name Weeping Bottlebrush) growing along Kingsgrove Road may be removed to accommodate construction. This removal is conditional with the replacement planting of min. 8 x *Callistemon viminalis* (common name Weeping Bottlebrush) street trees as located on the submitted landscape plan. The specified *Eucalyptus sp.* Street tree species shown on the submitted landscape plan is to be substituted with *Callistemon viminalis* (common name Weeping Bottlebrush) in a min 75ltr container size.
38. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
39. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate (for Building Works) or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate (for Building Works). In addition to the details in the above table, the order confirmation shall include name, address and contact details of supplier; and expected supply date.
40. The landscaping is to be maintained at all times to the Council's satisfaction.

#### STORMWATER ENGINEERING

41. The stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 22<sup>nd</sup> November, drawing numbers, DA100, 201, 202, 203, 204, 301, 302, 303, 351, 631, 651, 701 ; prepared by C & M Consulting Engineers and as amended by the following condition.
42. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
43. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
44. Runoff from the nursery area must be collected and discharged via a treatment device complying with Council's Policy Stormwater Management Manual.
45. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
46. Site water discharged to Council's stormwater system must have a suspended solid level of less than 50 mg/L, pH 6.5 - 8.5, turbidity level of less than 50 NTU, no oil or grease and conform to relevant ANZEC guidelines for other contaminants. This may require treatment such as transfer to settling ponds, use of approved chemicals to settle

out sediment or passing the contaminated water through a treatment device. Site water may also be disposed of through the services of a licensed liquid waste transporter. Council must be notified prior to the commencement of any pump out of site water and provided with a copy of the test results which confirm that the above condition has been complied with.

47. Full width grated drains being provided across each vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the street drainage system in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design"
48. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate (for Building Works) to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
49. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
50. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
51. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 15 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
52. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carpark, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
53. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
54. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

## PUBLIC IMPROVEMENTS

55. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
56. The reconstruction of the kerb and gutter along all areas of the site fronting Kingsgrove Road and Richland Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
57. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Kingsgrove Road and Richland Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
58. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
59. A qualified practising Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
60. Proposed driveway grades and longitudinal sections shall be submitted with the Construction Certificate. The driveway widths and grades shall be in accordance with Australian Standard AS 2890.1 – 1993 "Off-street Parking Part 1 – Carparking Facilities" and with Council document "Guidelines for Design of Vehicular Crossings". The driveway longitudinal section must be drawn at a scale of 1:20 (both vertical and horizontal) and indicate the appropriate height clearances above the driveway. The existing street levels are to be included in the design of the driveway. (The existing street levels which include kerb, gutter, footpath and boundary line levels, cannot be altered.)
61. Full width grated drains being provided across each vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the street drainage system in accordance with Clause 4 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
62. The construction of the road shoulder along all areas of the site adjacent and extending 5m either side of the car park and loading dock entry exit and driveways is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C242-Flexible Pavements and C245-Asphaltic Concrete.
63. The nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C273-Landscaping.



64. Sight clearances are to be ensured for pedestrian safety within the site and also on Kingsgrove Road and Richland Street.

#### CONTAMINATION & REMEDIATION

65. Remediation and validation works shall be carried out in accordance with the recommendations in Preliminary Environmental Site Assessment Report prepared by Environmental Investigations Services, (EIS) ref: E25343KHrpt2 and dated 8 October 2013.
66. After completion of the remedial works, a copy of the Validation Report shall be submitted to the Principal Certifying Authority. The construction certificate shall not be issued until the Principal Certifying Authority approves this Validation Report. This report shall be prepared with reference to the Environment Protection Authority guidelines, Consultants Reporting on Contaminated Sites, and shall include:
- (a) Describe and document all works performed.
  - (b) Include results of validation testing and monitoring.
  - (c) Include validation results of any fill imported on to the site.
  - (d) Show how all agreed clean-up criteria and relevant regulations have been complied with.
  - (e) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
67. Underground tanks shall be removed in accordance with:
- (a) Australian Institute of Petroleum's (AIP) Code of Practice for the Design, Installation and Operation of underground Petroleum Storage Systems (CP4-1998).
  - (b) WorkCover Authority requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover Authority, Locked Bag 10, Clarence Street, Sydney 2000 and complying with any conditions imposed).
- In the event of conflict between the AIP Code of Practice and WorkCover requirements, the latter shall prevail.

#### WASTE MANAGEMENT

68. The operational management of waste is to be carried out in accordance with Detail Plan Waste Recycling, Drawing No. 201, prepared by John R Brogan and Associates dated May 2009.

#### CRIME PREVENTION & COMMUNITY SAFETY

69. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
70. The basement car park is to be painted the colour 'white'. This measure will increase lux levels and light reflection.
71. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
72. The development shall be provided with proactive security measures such as CCTV cameras to ensure that the site is monitored at all times. Details shall be provided with the application for a Construction Certificate.
73. Staff only areas are to be restricted to authorised personnel through the use of security cards.

## DISABILITY ACCESS

74. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.
75. The minimum vertical clearance in the accessible parking spaces and adjacent shared areas is to be 2500mm, and the path of travel from the building entry to accessible parking spaces is to have a minimum vertical clearance of 2200mm.
76. The accessible parking spaces adjacent to the main entry foyers on levels 1 and 2 should be swapped with their adjacent shared spaces. This will assist drivers with an upper body restriction to manoeuvre more easily into and out of the parking space.
77. Paving in the entry foyers and throughout the building is to be non-slip in wet and dry conditions.
78. All glazed doors and side panels on a continuous accessible path of travel are required to have a transom or luminance strip at a height between 900mm and 1100mm above the floor level. The strip is to be at least 75 mm wide for the full width of the door or side panel and provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door, in daylight and night time conditions.

## ACOUSTICS

79. All sound producing plant and equipment being installed and operated in such a manner so as not to create a noise nuisance as determined by a qualified practising acoustic consultant.
80. The proposed use of the premises and/or machinery equipment installed must not create noise so as to interfere with the amenity of the neighbourhood.  
If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer). The report must include the measurements and calculations and certify that the method of treating all mechanical equipment and all activity associated with the operation of the premise so as to ensure no offensive noise and vibration is emitted from the activities and operation of the business as detailed in the DECC “Industrial Noise Policy”.  
The person in control of the premise must obtain from the Principal Certifying Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.  
When engaging an acoustical consultant council’s prerequisite is that the consultant holds a recognised tertiary qualification in a discipline pertinent to acoustics which would allow for the attainment of membership with the Association of Australian Acoustical consultants (AAAC).

## CAFÉ

81. The premises are to be constructed and fitted out strictly in accordance with by the Australian New Zealand Food Standards Code, Australian Standard AS-4674-2004 (Construction and Fitout of Food Premises) and the conditions of any Council consent.
82. Provide a rigid smooth faced impervious ceiling over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
83. Coving to a radius of not less than 25mm is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
84. The kitchen walls being built up in brickwork, blockwork, or approved solid material.

85. The handbasin shall be freestanding, serviced with hot and cold water, at a minimum temperature of 40°C, through a single outlet.  
Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:
  - (a) Wheels or casters which allow the fully loaded fitting to be easily moved
  - (b) Plinths or solid impervious material a minimum 75mm high, with 25mm radius coving between the junction of the plinth and the floor.
  - (c) Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
86. Adequate storage space must be provided on the premises either by the provision of storerooms or cupboards for the proper storage of all foodstuffs and other goods used in connection with the business and details of these must be submitted to the Principal Certifying Authority with the application for a Construction Certificate.
87. Water closet accommodation being provided for male and female staff, accessible at the times the business is trading.
88. Staff toilet facilities being provided with handwash facilities, with hot and cold water, together with a supply of soap and hand drying facilities.
89. An appliance used for the storage of hot or cold food, which is being stored for sale, shall be provided with numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius, the sensing element of which is located:
  - (i) in the case of an appliance used for the storage of hot food – so as to measure the air temperature in the coolest part of the appliance; or
  - (ii) in the case of an appliance used for the storage of cold food – so as to measure the temperature in the warmest part of the appliance, and so as to be able to read easily from outside the appliance.
90. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
91. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.
92. A copy of the Permission to Discharge Trade Wastewater must be obtained from Sydney Water and a copy provided to the Principal Certifying Authority with the application for the Construction Certificate. The Wastewater Source Control office is on Level 2, 432 Victoria Avenue, Chatswood 2067, telephone 131110. A Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as ‘discharge water containing any substance produced through industrial or commercial activities or operation on the premises’.

#### TRAFFIC

93. A detailed plan of the proposed parking needs along Kingsgrove Road and Richland Street is to be submitted by the applicant for consideration by Council’s Local Traffic Committee prior to the issue of an Occupation Certificate. This includes a full time “No Parking” zone along the Kingsgrove Road frontage, the retention of the existing bus zone on Richland Street opposite Kingsgrove North High School, and also “No Parking” restrictions near the driveways on Richland Street. All costs associated with the signs will need to be borne by the applicant.

94. The length of the median is to be the same length as indicated on the relevant DA plans prepared by John R Brogan and Associates.
95. All road works /regulatory signposting associated with the proposed development are to be at no cost to the RMS.

#### CONSOLIDATION OF LOTS

96. The site being consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of the Occupation Certificate or occupation of the building.

#### SYDNEY WATER REQUIREMENTS

97. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

#### CRITICAL INSPECTIONS

98. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

##### Class 5, 6, 7, 8 or 9 Buildings

- 98.1. prior to covering any stormwater drainage connections, and
- 98.2. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

#### ADDITIONAL INSPECTIONS

99. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent. To arrange an inspection by Council please phone 9789-9300 during normal office hours.

#### COMPLETION OF DEVELOPMENT

100. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

#### WE ALSO ADVISE:

- a. This application has been assessed in accordance with the National Construction Code.
- b. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
- c. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
  - Structural engineering work
  - Air Handling Systems
  - Final Fire Safety Certificate
  - Glazing
  - Water Proofing

- d. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- e. Private contractors shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
- f. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can effect layout of garden beds and plantings.
- g. Before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
- h. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act” and you must comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
- i. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
- j. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- k. If you are not satisfied with this determination, you may:
  - Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.