

2015SYE086 - 31-35 Willarong Road, Caringbah

DA15/0671

ASSESSMENT REPORT APPENDICES

Appendix	A	Conditions of Consent
	B	Architectural Review Advisory Panel (ARAP) Report dated 16 July 2015
	C	Clause 4.6 Variation

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Director of Shire Planning as to the following matters.

The required information must be submitted within 2 years of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Design Changes

- a) The gabled entrance above the main entry on the southern side of the building shall be deleted and a more contemporary design element similar to the metal louvers and glazing shall be incorporated with the large void space of the entry to present a cohesive entrance to the building;
- b) The proposed entrance ramp and stairs to the main entry shall be redesigned to ensure direct entrance to Level 1 rather than the Basement Level 1 of the building. The entrance shall be designed to provide improved connectivity between the Koonya Circuit street frontage and the new pedestrian pathway.
- c) The submission of a revised colour scheme for the building which utilizes a banding of colours in the Bunnings corporate colours (similar to the existing Chatswood Bunnings).

PART 2 - CONDITIONS OF CONSENT

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
To be completed upon satisfaction of Condition 1	To be completed upon satisfaction of Condition 1	To be completed upon satisfaction of Condition 1	To be completed upon satisfaction of Condition 1

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

2 Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$100,200.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

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

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

3 S94A - Contribution for Employment Zoned land S94A Levy Plan

A. Before Construction

Pursuant to s.80A(1) of the Environmental Planning and Assessment Act 1979, and Council's Section 94A Contribution Plan for Employment Zoned Land, a contribution of **\$377,036.55** must be paid to Sutherland Shire Council towards the cost of works contained in the contribution plan. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan. The amount payable of monetary s.94 contributions will be indexed on 1 July each year in accordance with the Contribution Plan and the following formula:

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

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

4 Bulk Earthworks Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security against damage caused to any Council property or adjoining land in private ownership as a consequence of the bulk excavation works. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

Should any public property and / or neighboring / nearby buildings / structures sustain damage as a result of the bulk excavation works, Council may carry out any works

necessary to repair the damage and / or remove the risk. The costs incurred may be deducted from the bond.

The value of the bond is \$100,200.00

B. After Occupation

The bond will be released upon satisfactory completion of the construction of the basement level, sufficient to ensure stability of the surrounding ground, as certified by an Accredited Certifier or a Chartered Structural Engineer. Such request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to act on the consent, accompanied by the certification.

Note: Bond amount includes a non refundable administration fee which must be paid separately. Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

5 Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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

6 Design and Construction of Works in Road Reserve (Council Design)

A Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate, for a road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings, except where amended and/or addressing the following;

- i) Establish the property alignment levels and crossing profiles;
- ii) Construct four vehicle crossings, The trade sales entry/exit & Loading dock exit must be a minimum 12.5m wide. Entry/exit ramps to the basement parking facility must be a minimum width of 6m;

- iii) Remove and construct Koonya Circuit round-about, associated kerb returns, medians and road pavement to suit new alignment;
- iv) Construct 375mm diameter trunk drainage lines and associated kerb inlet pits within Koonya Circuit (North) connecting into existing kerb inlet pit (Pit Id# 11898);
- v) Construct 2 x 1050mm diameter trunk drainage lines and associated kerb inlet pits within Koonya Circuit (south) connecting into the existing 1050mm pipeline on the western side of Koonya Circuit (west). The connection must be located approximately 60m south of the boundary between 15 & 17 Koonya Circuit (west) and consist of a new kerb inlet pit and associated lintel;
- vi) Reconstruct kerb & gutter to suit new trunk drainage alignment within Koonya Circuit;
- vii) Alter / install street signage where required;
- viii) The existing footpath in Willarong Road shall be retained and a new footpath pavement installed for the remaining frontages;
- ix) Regrade, topsoil, turf and landscape the footpath verge to final design levels;
- x) Adjust public services infrastructure where required;
- xi) Remove one (1) existing street tree - Tree 136 *Eucalyptus nicholli* (Willow Peppermint);
- xii) Install 7 *Eucalyptus racemosa* (Narrow Leaf Scribbly Gum), 7 *Eucalyptus punctata* (Grey Gum), 5 *Eucalyptus piperita* (Sydney Peppermint) street trees, 5 *Corymbia gummifera* (Bloodwood) and 5 *Angophora costata* (Smooth Barked Apple) street trees informally spaced at irregular centres;
- xiii) Ensure there are adequate transitions between newly constructed and existing infrastructure;
- xiv) Provision of new or modified line-marking and regulatory signposting as specified by Council's design plan;
- xv) Permanent and / or temporary anchors for lateral support of onsite retaining structures,

The approved detailed frontage design for this application must be provided to the PCA prior to the release of the Construction Certificate.

B. Before Construction

Prior to the release of the Construction Certificate a detailed frontage design must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation Certificate the following certification must be provided to Sutherland Shire Council:

- i) The supervising engineer must certify the road frontage works were constructed to their satisfaction and in accordance with the development

- consent and associated Roads Act consent.
- ii) The supervising arborist, landscape designer or landscape architect must certify the street trees are the correct species and were installed in accordance with the development consent and associated Roads Act consent.

7 Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Draft Sutherland Shire Development Control Plan 2015 relating to environmental site management and must incorporate the following throughout demolition and construction:

- i) safe access to and from the site during construction and demolition
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines, building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

The Construction Traffic Management Plan shall detail:

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

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped.

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

8 Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority, the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

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

9 Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

The engineer must supervise the works as listed above to ensure compliance with:

- i) All relevant conditions of development consent
- ii) Any Consent issued under the Roads Act for this development

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and completed in accordance with the requirements of this Development Consent and to their satisfaction.

10 Internal Driveway Profile

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- iv) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- v) Comply with AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring for the 'AV' vehicle.
- vi) The maximum longitudinal grade of the driveway must not exceed 25%.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

11 Parking Areas and Access

A. Design

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

The following specific requirements must be incorporated into the design:

All vehicular access, parking and manoeuvring areas including loading areas must be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- iv) The car park must be line marked to accommodate 408 vehicles (294 parking spaces & 12 "disabled" adaptable spaces).

- v) The internal driveway and car parking area must be paved using materials other than plain or exposed aggregate concrete.

B. Before Construction

Certification of the above must accompany the application for a Construction Certificate.

12 Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be connected to Council's existing piped system and designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003.

The design must include;

- i) A detailed drainage design supported by drainage calculations.
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iv) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge.
- v) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.

B. Before Construction

Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

C. Before Occupation

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, detention and rainwater tanks. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility,

rainwater reuse systems and, if constructed, the absorption systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

13 Stormwater Treatment

A. Before Construction

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for a Construction Certificate.

B. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

Note: Upon approval of the stormwater management designs a notation will be added to the 149 certificate in relation to any required detention facility or stormwater treatment device.

14 Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

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

15 Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers

Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

16 Loading Bay Size

A Before Construction

Certification from an Accredited certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that a “AV” sized loading bay and suitable manoeuvring for a “AV” vehicle has achieved forward entry/exit within the site was prepared having regard to the conditions of development consent and Australian Standard AS2890.2. This certification shall accompany the application for construction certificate.

B Before Occupation

- i) A Works-As-Executed drawing (WAED) of the loading bay shall be prepared by a Registered Surveyor. This drawing must detail the dimensions of the loading bay. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The supervising Engineer must certify the WAED of the loading bay was constructed to their satisfaction and in accordance with the development consent and Australian Standard AS2890.2. Prior to the occupation or use of the building the Applicant/Owner shall submit to Council a copy of the aforementioned letter of certification.

Note: Upon submission of the Works-As-Executed drawing for the loading bay a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a “AV” vehicle size limit for the entire site in accordance with AS2890.2.

17 Building Materials Flood Resistant

A Design

All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.

18 Structural Certificate - 1% AEP

A Design

A suitably qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event.

19 Certified Floor Level

A. During Construction

The minimum habitable/commercial floor level and the retaining wall structure (new and existing) surrounding the site shall be constructed 500mm above the 1% Annual Exceedance Probability (A.E.P) flood. The floor level shall be certified by a registered surveyor prior to pouring of the floor slab or installation of flooring.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

20 Design and construction of stormwater drainage lines (trunk drainage)

A. Design

- i) Design and construct 2x1050mm RCP culvert and 2x1.8m kerb inlet pit and lintel along the frontage of southern section of Koonya Circuit from Council Pit Id#11887 to a new kerb inlet pit located on the western side of Koonya Circuit approximately 45m south of the boundary between No.'s 15 & 17 Koonya Circuit. The new pit must be connected to the existing public drainage system.
- ii) The existing 825mm pipeline between Council Pit Id# 11890 & #11888 must be decommissioned and capped at the eastern end.
- iii) Design and construct 375mm RCP culvert and 2x1.8m kerb inlet pit and lintel along the frontage of northern section of Koonya Circuit connected into the existing Council Pit Id# 11898
- iv) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- v) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- vi) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all

services to AHD where those services cross the proposed drainage line.

B. Before Construction

The stormwater design and certification from an Accredited certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the stormwater drainage design was prepared having regard to the conditions of development consent, shall be submitted to Sutherland Shire Council's Director of Shire Infrastructure for review and approval prior to application for any construction certificate.

C. Before Occupation

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, detention and rainwater tanks. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility, rainwater reuse systems and, if constructed, the absorption systems were constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

21 Certified Driveway Crest Level

A. During Construction

A driveway and pedestrian crest to the basement level shall be constructed to R.L 6.6m AHD (200mm above the 1% Annual Exceedance Probability (A.E.P)) on the southern frontage of Koonya Circuit.

The crest level shall be certified by a registered surveyor prior to pouring of driveway ramp.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

22 Flood signage

A. Before Occupation

Prior to commencement of operations, an advisory sign must be fixed near the exit ramp to Koonya Circuit South in such a way that it cannot be removed, containing the wording “Koonya Circuit may be subject to overland flows in heavy storms. Keep clear of the area when flows occur”. The owners shall preserve the sign in good condition and keep it visible.

23 Structural Certificate Basement Structure Adjacent to Public Road

A. Before Construction

A practicing Structural Engineer registered with NPER, must provide a certificate certifying that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads. A copy of this certificate must be provided to Council prior to issue of any construction certificate.

24 Flood Emergency Management Plan

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

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

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

25 Approved Landscape Plan

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i) The Existing Tree Plan must be amended to show the removal of Trees 42 and 64 in accordance with the Existing Tree Schedule and the Arborist report prepared by Abel Ecology (dated 24 September 2015);

- ii) Substitute 7 *Eucalyptus racemosa* (Narrow Leaf Scribbly Gum) for 7 *Eucalyptus saligna*;
- iii) Delete 8 *Ulmus procera* 'Louis van Houtte' near the main entry on Koonya Circuit (south). Plant informally (at irregular centres) 3 *Eucalyptus racemosa* (Narrow Leaf Scribbly Gum) and 2 *Eucalyptus punctata* (Grey Gum) in the bed on the eastern side of the main entry and 2 *Eucalyptus racemosa* (Narrow Leaf Scribbly Gum) and 1 *Eucalyptus punctata* (Grey Gum) in the bed on the western side of the main entry;
- iv) Substitute 260 *Acmena* "Red Tips" for 260 *Camellia sasanqua* and 65 *Doryanthes excelsa* for 170 *Cycas revoluta*;
- v) The existing footpath in Willarong Road shall be retained. The new footpaths and the location and species of new street trees within the road reserve shall be in accordance with Council's Frontage Works drawings;
- vi) Tree Protection Zones (TPZ) must be shown on plan for all existing trees to be retained and protected;
- vii) All landscaped areas must be provided with a water-efficient irrigation system, connected to a pump and the rainwater/OSD tank, to enable effective landscape maintenance.
- viii) All landscaped areas must have access to a tap and a removable water key, connected to a pump and the rainwater tank/OSD tank.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

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

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672

26 Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) Trees identified on the amended Landscape Plan as "existing tree to be removed" as well as trees 42 and 64.
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed;
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015;

All other vegetation that would require approval to be removed must be protected.

B. Design

- i) 90 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 4 to 1 on private land.
- ii) In this instance 240 replacement trees are required to be planted. **In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain existing bush land or trees such that it makes a positive contribution to the local landscape character.**
- iii) 17 indigenous trees are shown in the approved Landscape Plan to be planted on site and a further 27 indigenous trees are proposed in the road reserve. For the remaining replacement trees required by "B ii)" above, Council offers off-site planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at www.sutherlandshire.nsw.gov.au/forms <<http://www.sutherlandshire.nsw.gov.au/forms>>. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.
- iv) Trees must have a minimum container size of 5 litres.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/Tree Location Plan. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that tree planting has been carried out in accordance with 'B' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevard, Gymea

Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays)

27 Removal of Trees on Council Land

A. Design

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal of the tree listed below must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

The following trees have been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
136	<i>Eucalyptus nicholli</i> (Willow Peppermint)	Willarong Road

B. Prior to the Issue of a Construction Certificate

Prior to the issue of the Construction Certificate the applicant must pay Council the scheduled fee of \$100 for the replacement of the tree within the road reserve in accordance with Council's 4 to 1 replacement policy (Sutherland Shire Council's Development Control Plan).

28 Tree Retention and Protection

A. Before Works

Prior to the commencement of any demolition, excavation or construction works on site the applicant shall engage a suitably qualified and experienced Arborist to oversee the measures for the protection of existing trees as listed below.

Note: An Arborist is a person with a current membership of the National Arborist's Association of Australia at a grade of General Member, Affiliate Member or Life Member, or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

Prior to the commencement of any works, including demolition, the supervising Arborist must oversee the protection of all trees as marked on the approved Landscape Plan to ensure the installation and adequacy of all tree protection measures.

The trees identified for retention must be protected by the following measures:

- ii) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed in accordance with the Arborist report prepared by Abel Ecology dated 24 September 2015. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iv) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- vi) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Arborist must strictly supervise that there is no disturbance or severing of roots greater than 30mm diameter and to cleanly cut those roots between 10-30mm in diameter.
- iv) If the trees identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

29 Management and Classification of Site Soil and Fill Material

A. During Works

i) Disposal of Site Soils

All soils to be excavated from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the “Waste Classification Guidelines” 2014, prior to off-site disposal.

Any excavated material shall be removed to a NSW EPA licensed waste facility by an appropriate EPA licensed waste contractor in accordance with relevant NSW EPA guidelines, including the EPA “Waste Classification Guidelines” 2014.

ii) Reused soils

Any existing soils to be reused on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines, including the “Waste Classification Guidelines” 2014, to ensure that the fill is suitable for the criteria of commercial/ industrial land use.

iii) Importation of Fill Material

Any fill material that is imported onto the site must be analysed and classified by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the “Waste Classification Guidelines” 2014, to ensure that the fill is suitable for the criteria of commercial/ industrial land use.

Note 1: An appropriately qualified and experienced environmental consultant may be certified by:

- the Site Contamination Practitioners Australia (SCPA) scheme.
- the EIANZ Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme, or equivalent.

30 Contaminated Land - Unexpected Finds

A. During Works

If unexpected soil or ground water contaminants are discovered during demolition or construction; work must cease and Sutherland Shire Council, Manager Environmental Science, notified immediately.

The contaminated land situation is to be evaluated by a suitably qualified and experienced environmental consultant and an appropriate response determined by the applicant in consultation with the environmental consultant, which is agreed to by Sutherland Shire Council, Manager Environmental Science.

Note 1: An appropriately qualified and experienced environmental consultant may be certified by:

- the Site Contamination Practitioners Australia (SCPA) scheme.
- the EIANZ Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme, or equivalent.

Note 2: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions imposed by the accredited site auditor, if required

31 Cleanliness and Maintenance of Food Preparation and Storage Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas:

A. Design

The food preparation and storage area/s must be designed in accordance with;

- i) Food Act 2003.
- ii) Food Regulation 2010.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).
- v) Sydney Water Corporation - Trade Waste Section.

B. Before Construction

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Prior to issue of an Occupation Certificate, certification must be provided from a suitably qualified person that all work in connection with the occupation or

use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.

- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

32 Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

33 External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

34 Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary.

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

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

B. Before Construction

Details of the acoustic attenuation treatment required to comply with 'A' above, must be prepared by a qualified acoustic engineer. These details must accompany the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D. Ongoing

All plant and equipment must be operated and maintained in accordance with the 'A' above.

35 Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;

B. Before Construction

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

- i) Certification must be provided by a qualified mechanical ventilation engineer

that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

36 Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 - 1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

B. Before Construction

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

C. Before Occupation

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

D. Ongoing

The ventilation system must be operated and maintained in accordance with 'A' above.

37 Demolition Work

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

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

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

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

38 Loading Dock Design and Operation

• A Design

To minimise the noise impact on the surrounding environment, the walls of the loading dock area shall have sound absorption materials installed, such as 50mm Rockfon, in accordance with the recommendations of the acoustic report prepared by Wilkinson Murray Pty Ltd and submitted as part of the application.

B Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

D Ongoing

To minimise the noise impact on the surrounding environment, the loading dock shall not be used between the hours of 6.00am and 7.00am, in accordance with the recommendations of the acoustic report prepared by Wilkinson Murray Pty Ltd and submitted as part of the application.

The delivery and collection of goods and materials to and from the loading dock shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Saturdays and 8.00am and 6.00pm on Sundays and Public Holidays.

39 General Health Condition 2

- **A Design**

To minimise the noise impact on the surrounding environment, the acoustic barrier on the eastern side of the service road shall be 4 metres in height and constructed of sound absorbing material, in accordance with the acoustic report prepared by Wilkinson Murray Pty Ltd and submitted as part of the application.

B Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

40 General Health Condition 3

A Before Occupation

To minimise the noise impact on the surrounding environment, all broadband alarms shall be adjusted on forklifts to ensure they do not exceed 70 dBA at 3 metres, in accordance with the recommendations of the acoustic report prepared by Wilkinson Murray Pty Ltd and submitted as part of the application.

Certification must be provided by a qualified acoustic engineer that all work associated with the acoustic measures has been carried out.

41 BCA Assessment Report

A. Before Construction

The recommendations of the Building Code of Australia Assessment Report prepared by [Steve Watson & Associates](#) ref 2015/0817 and dated 10 / June / 2015 must be complied with and must accompany the application for a Construction Certificate.

42 Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

B. Before Occupation

The certification referred to above must form part of the application for an Occupation Certificate.

43 Sydney Water Tap in™ & Compliance Certificate

A. Before Construction

The plans approved as part of the Construction Certificate must be submitted to a Sydney Water Tap in™ to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and / or easements, and if further requirements need to be met. Customers will receive an approval receipt. Please refer to the web site www.sydneywater.com.au.

B. Before Occupation / Prior to issue of Subdivision Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Sydney Water Advice on Compliance Certificates:

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

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

44 Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig

service in advance of any construction or planning activities.

45 Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

46 Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

47 Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles
- ii) any parking nominated as visitor parking or common property must be continually available as common property.

48 Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway. All service/delivery vehicles must enter and leave the site in a forward direction.

Architectural Review Advisory Panel

Proposal:

Demolition of Existing Structures and Construction of a New Commercial Building to be Used for Hardware & Building Supplies, Garden Centre, Business Identification Signage and Car Parking

Property:

31-35 Willarong Road CARINGBAH NSW 2229

Applicant:

Bunnings Group Ltd

File Number:

DA15/0671

The following is the report of the Architectural Review Advisory Panel Meeting held on 16 July 2015 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

1. "DA15/0671 – Demolition of Existing Structures & Construction of a New Commercial Building to be Used for Hardware & Building Supplies and Garden Centre at 31-35 Willarong Road, Caringbah- JRPP Application

Council's David Jarvis, Carine Elias and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Robb Orr, Philip Drew, Ben Fogarty and Fiona Yates addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

This development application is for demolition of the existing structures and construction of a new commercial building to be used for hardware and building supplies and garden centre.

The site is zoned Zone 11 – Employment (SSLEP 2006) and Zone B5 – Business Development (SSLEP2015)

The site is located at 31-35 Willarong Road, Caringbah

Key Controls:

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)

Sutherland Shire Draft Development Control Plan 2015 (SSDDCP 2015)

Applicant's Submission

The Panel noted that this application is to be assessed by Council and determined by the Joint Regional Planning Panel (JRPP).

PRINCIPLE 1 – CONTEXT & NEIGHBOURHOOD CHARACTER

The site is located within an established and extensive "big-box" retailing precinct and fills an entire block bounded by Koonya Circuit on three sides and Willarong Road to the

east. There is significant pedestrian activity within the precinct at busy times (weekends) when the public moves between the various retail outlets.

The context is large-scale retail buildings with basement car-parking to the north, west and south of the site, and established low-scale residential dwellings to the east. The 1.462 Ha rectangular site has a curtilage of established trees around its edges and a slight fall from east to west. Currently occupied by an existing Bunnings warehouse building and large surface car park, the site is visible from Taren Point Road across the adjacent McDonalds car park to the immediate west. While it is possible that a more active pedestrian street character may emerge to the south of the site as multiple retail outlets develop, it is expected that the surrounding streets will remain highly frequented by cars into the future.

The proposal comprises replacement of the existing structure with an enlarged building footprint and additional height, mitigated by increased landscape setbacks to all boundaries. Car-parking is to be entirely located at basement levels, although substantial on-grade loading access and docks may have a significant impact upon the visual quality of the northern, eastern and southern frontages.

PRINCIPLE 2 – SCALE & BUILT FORM

Whilst the proposed building will be larger than those around it and will have a minor non-compliance at its highest point, the Panel considers that its scale is generally consistent with its context. A possible exception to this is along the eastern interface with the low-scale residential environment of Willarong Road. Along this edge, the building should be designed to reduce the perception of scale and bulk as well as being screened by large trees, as is currently proposed.

To achieve this, the Panel recommends that the upper level plan is adjusted to stretch the “Outdoor Nursery” across the entire eastern elevation and the “Bagged Goods” area is re-organised to be a linear strip between the internal floor area and the nursery.

The proposal is representative of the planning, form and expression of a typical Bunnings retail warehouse facility, with a protruding gabled “entry element” applied to its southern elevation. The eastern end of the building has been chamfered at the south-western corner and stepped back at the north-eastern corner to accommodate large vehicle movement and loading.

While the overall, standardised planning layout is logical, the expression and presentation of this large, internalised building could be significantly improved with greater focus upon the design quality of the entry portico and access elements; perhaps this key element could be considered as a more contemporary and elegant structure bringing together the social and interactive elements of the firm’s operation (such as its sausage sizzle) so as to better engage this building with the street.

It is also noted that the entry is a superficial “plant-on” element attached to a very large building: considering that there is a lofty two-storey space immediately behind it, could the “entry” be conceptually re-considered as one grander expressed element that draws together all of the circulation and levels at a scale that is more integrated with that of the “big-box”?

The eastern end of the building would be improved by deleting the plan chamfer, making its shape more regular and allowing the form to be perceived as a long verandah along the upper eastern level. As noted above this would also improve its address to the residential interface.

PRINCIPLE 3 – DENSITY

The proposed floor space ratio (FSR) of 1.5:1 is considered acceptable for this site and locality. The non-compliant areas of height do not have any detrimental visual impacts from the public domain.

PRINCIPLE 4 – SUSTAINABILITY

Re-cycling of water for gardens and WC flushing, use of LED light fittings and roof skylights and natural ventilation is commendable, as is the recognition that this building type and usage pattern can accommodate a wider band of human comfort conditions than is usually expected.

In addition to this, the Panel recommends that steps could be taken to reduce the carbon footprint of the building, including:

- Introduction of hot water and PV solar panels on its vast roof.
- Use of fans to enhance air movement.
- Use of translucent/transparent walls along the southern elevation.
- Creation of an eastern upper level verandah as described above.
- Consideration of on-site black-water treatment.

PRINCIPLE 5 – LANDSCAPE

The landscape plan appears to remove most of the poor quality trees and weed species, and is supported by the Panel.

A *Eucalyptus saligna* on the northern boundary is close to a proposed vehicular ramp. An arborist should confirm that excavation for this ramp does not impact on the health of this tree.

As the building is of a large and bulky scale it is recommended that street trees be provided in the verge where possible to reduce the visual impact of the building and to reinforce the landscaped/green streetscape character.

In particular, new trees should be added along Willarong Road to augment the existing street trees.

It is also recommended that footpaths be provided around the entire site.

PRINCIPLE 6 – AMENITY

While the functional amenity of the proposal will match the expected Bunnings retail experience, the Panel has a view that this project offers a good opportunity to distinguish and modernise this standardised package and experience by re-consideration of the role of the building entry, as referred to above. It is acknowledged that “entry” is primarily via the car-park below for most customers however a scheme that better integrates this with the symbolic (and important) street entry would greatly improve the relationship of this building to its context.

The desire lines of patrons should be reviewed to ensure that there is also a direct and compliant passage to the store from the footpath and street, particularly as pedestrian activity from the south is likely to increase in the near future.

Occasional visual engagement with the trees and sky from within the building could also be considered.

PRINCIPLE 7 – SAFETY

There is some concern that the substantial landscape curtilage and open access to the car-parking basements will create hidden areas around the building that may be susceptible to anti-social behaviour. A CPTED analysis of the proposed design is therefore recommended.

PRINCIPLE 8 – HOUSING DIVERSITY & SOCIAL INTERACTION

Improvement to the design and use of the entry and access elements, provision of surrounding footpaths and well-designed external lighting around the edge of the building are important elements to consider in creating a better engagement with the local street context.

PRINCIPLE 9 – AESTHETICS

Whilst the corporate branding of Bunnings is understood and accepted, the creation of a more interesting and elegant structure and entry pavilion is encouraged.

This is a very large building that will dominate the context for many years. At some point it will become evident that the existing aesthetic character of a Bunnings store is given a more contemporary design update – this can be relatively easily achieved by some thoughtful architectural principles that refine the massing and composition of the built form, updating of the entry pavilion design and providing innovation in the expression of the upper level garden nursery verandah element.

This could extend to a re-consideration of the cladding materials and branding. For example, the red hammer could remain but the opaque “green” background painted surfaces might shift to the translucency of a polycarbonate panel system. At night-time, elements such as the entry could glow invitingly and lantern-like from within.

RECOMMENDATIONS/CONCLUSIONS:

The Panel is generally supportive of the proposal and recommends that:

- The main entry on the southern side of the building is re-considered to better integrate and unify a sense of identity, connection and address to the street.
- This could be achieved through a more contemporary architectural expression and opportunities to leverage Bunnings’ distinctive social dimensions.
- The upper level plan is re-ordered along the Willarong Road elevation to reduce scale and present a more green and active character.

-
- Consideration is given to the materiality of the building in order to modernise its expression and presentation to the public domain.
 - A CPTED analysis of the external areas of the site is undertaken.
 - A public domain plan is developed with Council to include footpaths, street lighting and appropriate landscaping into the development.”

Tony Caro
Acting ARAP Chairman

03 August 2015

REQUEST FOR AN EXCEPTION TO THE HEIGHT OF BUILDINGS DEVELOPMENT STANDARD**Introduction**

This request for an exception to a development standard is submitted in respect of the development standard contained within Clause 4.3 of the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The request relates to an application for the demolition of the existing single storey Bunnings warehouse on the site and replacement with a new two level Bunnings warehouse (hardware and building supplies warehouse) including outdoor nursery, timber trade area, car parking and signage at 31-35 Willarong Road, Caringbah

Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SSLEP 2015 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SSLEP 2015, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

Development Standard to be varied

Clause 4.3(2) states:

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined in the dictionary of SSLEP as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The maximum height shown for the land on the Map for the site to which the proposed building relates is 16 metres.

Extent of Variation to the Development Standard

Whilst the entire eastern side of the development is well below the height limit, and the southern parapet is also below the height limit, as the site progresses to the north-west, areas of the parapet along the northern and western elevations exceed the 16 metre height control by a maximum of 1.4 metres, whilst the ridge within the centre of the site exceeds the control by a maximum of 1.9 metres at the western end of the roof.

Objective of the Development Standard

The specific objectives of the building height development standard, as specified in clause 4.3 of SSLEP 2015 are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to ensure the scale of buildings:

(i) is compatible with adjoining development, and

(ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future character, and

(iii) complements any natural landscape setting of the buildings, and

The majority of the development complies with the 16 metre height control. Whilst the proposal marginally exceeds the height control at the northern and western sides of the development, the eastern end of the development is substantially below the height control in order to improve the compatibility of the development with the low density residential dwellings to the east. The proposal is therefore considered to be consistent with the desired scale and character of locality and Willarong Road.

(b) to allow reasonable daylight access to all buildings and the public domain,

Notwithstanding the proposed variation to height, the proposed development results in decreased overshadowing of the public domain and adjacent buildings because the southern street setback is between 7.4 metres and 15 metres which is substantially greater than the minimum 3 metre requirement under the DCP.

(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,

The element of non-compliance with the height control is particularly minor and due to the topography and context of the locality does not result in any impact in terms of reduction in significant views or loss of privacy. .

(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,

The visual impact of the development has been successfully mitigated by setbacks which significantly exceed the minimum requirements, landscaping which significantly exceeds the minimum requirement, a substantially lower height at the eastern end which interfaces with the residential properties across Willarong Road.

(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones

This objective is irrelevant to the subject proposal as it is not located within a residential zone. Notwithstanding this, there is a transition in scale from west to east to provide an appropriate interface with the lower scale of the residential properties opposite in Willarong Road.

- (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.

There is a transition in scale from west to east to provide an appropriate interface with the lower scale of the residential properties opposite in Willarong Road

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B5 Business Development zone which has the following objectives:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To promote uses which do not detract from the role and function of existing centres in the retail hierarchy of Sutherland Shire.
- To enhance the visual appearance of the area by ensuring new development achieves a high architectural and landscape standard.
- To ensure that development does not have an adverse impact on the effective operation and safety of main roads

The proposed development retains the same use on the site, being a Bunnings Warehouse, which requires a large floor area and is consistent with the desired future character for the location. The proposed use is unable to be located within a centre and due to its specialised use does not complete with or detract from the established retail hierarchy in the Sutherland Shire. The proposed development involves the replacement of the existing Bunnings warehouse on the site with a new generation Bunnings warehouse and provides for a significant improvement to the existing streetscape elevations and visual appearance of the subject site. The proposed basement car parking, streetscape improvements and landscaped areas will assist in minimising adverse impacts to surrounding uses by achieving a visual improvement to the presentation of the building within the streetscape. The subject application is accompanied by a Traffic Report prepared by TTPA which demonstrates that the proposal will not have an adverse impact on the effective operation and safety of Taren Point Road.

For the reasons given the proposal is considered to be consistent with the objectives of the B5 zone

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The proposed variation to the building height development standard is reasonable and necessary in the circumstances of the case in that:

- The existing levels across the site are no longer original and natural levels and reflect previous works and improvements undertaken to the site. The non-compliance is only the result of a step in the site which is an arbitrary, albeit currently existing, surface. This means that the same parapet is complying for one part of the site and only becomes non-compliant due to a drop in the existing ground level rather than as a result of any increase in height or step in the parapet. Given the arbitrary nature of the existing site levels, strict compliance with a height line which is

derived from this surface is unreasonable and some flexibility is appropriate in such a circumstance.

- The proposed development provides a specific and sensitive response to the condition of each of its elevations. In particular, the eastern interface with the residential properties across Willarong Road is sensitive and the proposal has been specifically designed to provide a much lower height to this interface to transition down to the lower scale of the dwellings opposite the site. The non-compliance with the height control occurs at the opposite end of the site along the western side where the interface is to fast food restaurants which face Taren Point Road. Accordingly, the proposal provides a balanced interface with its neighbours and transitions in height from east to west with the non-compliant height along the western boundary offset by the low scale along the eastern boundary.
- The greatest extent of the height non-compliance is for the ridge which is not visible from the public domain as it is obscured by the parapet. The non-compliance of the parapet only occurs towards the western end of the site and the magnitude of the variation within the context of the site is such that there is limited if any visual impact as a result of the non-complying areas of parapet.
- The scale of the building is compatible with the building heights in the vicinity of the site.
- The variation of the height control is to maintain the necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact.
- Notwithstanding the proposed variation to height, the proposed development results in decreased overshadowing of the public domain and adjacent buildings because the southern street setback is between 7.4 metres and 15 metres which is substantially greater than the minimum 3 metre requirement under the DCP
- The variation to the height of buildings control does not result in any privacy or view loss impacts on the adjoining properties.

As the proposal is consistent with the objectives of the height of buildings control, compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

[Are there are sufficient environmental planning grounds to justify contravening the development standard?](#)

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

'to encourage:

i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

ii) the promotion and co-ordination of the orderly and economic use and development of land...'

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- The proposed variation allows for the most efficient and economic use of the land.

The proposal provides for significantly greater setbacks than those required under the DCP which is such that notwithstanding the height variation the proposal actually results in a reduced shadow when compared to a development which would comply with the 3 metre southern boundary setback and a 16 metre high wall.

In addition, the proposal provides for a more appropriate transition in scale across the site from west to east than a strictly compliant scheme, with the eastern portion of the site significantly lower than 16 metres and at a substantially greater setback of 15.5 metres from Willarong Road compared to the DCP requirement of 9 metres. The proposal therefore provides a particularly successful interface with the sensitive eastern side of the site which more than adequately balances the minor height non-compliance at the northern and western sides of the development.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The arrangement of height across the site, combined with substantially greater setbacks than required, achieve a substantially better outcome when compared to a strictly compliant built form for the site. Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the building height development standard will achieve a better urban design outcome in this instance in accordance with objective 1(b), with an increased level of environmental performance which represents design excellence for this site.

Conclusion

The proposed variation to the height of buildings development standard contained within clause 4.3 of Sutherland Shire Local Environmental Plan 2015 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition there are sufficient environmental planning grounds to justify the variation. In this regard it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed.