### ADDITIONAL SUBMISSIONS FOR 2016SYE045 41-49 Willarong Road, Caringbah



12 July 2016

Annette Birchall
Environmental Assessment Officer - Planner
Shire Planning
4-20 Eton Street
SUTHERLAND NSW 2232

Dear Annette,

DA16/0223: Caringbah Homemaker Centre - Response to Council

Further to Council's letter dated 18 May 2016 and our recent meeting on 28 June 2016 this letter seeks to provide a response to the key issues identified by Council Officers following public exhibition, and consultation with the ARAP. We deal with each of these issues under the sub-headings below.

Building Height

We note that Council have raised concern with the proposed building height of the proposal, and in particular the roof tenancy which exceeds the LEP height standard of 16m.

The current height non-compliance varies from 3,250mm to 4,435mm as indicated on the North Elevation. This height was determined by providing a clear min. internal (springing) height of 6.5m to the underside of steel structure. This was to satisfy the requirements of a prospective Large Format Retail (LFR) tenant seeking to locate at the Caringbah Homemaker Centre, who required a larger floor to ceiling height.

A Clause 4.6 Statement was provided in support of the DA which considered the merits for the proposed height variation, and we note that the proposed building height had been discussed at two ARAP meetings, and was supported on both these occasions. While we acknowledge that the ARAP is an advisory panel, we have been guided by their response in the preparation of the DA.

Notwithstanding, as discussed at our recent meeting, the applicant has agreed to reduce the height of the proposed second floor roof tenancy in response to Council's concerns. The absolute 'minimum' height below the lowest point of any structural element for a LFR tenant is 4.5m (which allows for a nominal 4.0m ceiling height plus 500mm above ceiling for building services). Therefore, the extent of non-compliance measured along the north elevation would reduce to approx. 1,250mm and 2,435mm respectively.

Please note that the previous proposal provided a 'minimum' height of 6.5m below the lowest point of any structural element. This was provided to satisfy requirements of a specific prospective tenant to lease this location. The proposed reduction in height to 4.5m will result in this tenant compromising their preferred minimum requirements, should they wish to pursue their interest with this lease any further.

Notwithstanding this, amended development plans are attached. As requested, this building element is now clearly shown on all elevations, including perspectives so that the visual impact from Koonya Circuit can be appropriately assessed. Revised plans are also clearly annotated with height in RL and



corresponding 'height from existing ground level" of each aspect - maximum roof height, height at edges (any parapet), ceiling height etc.

A revised Clause 4.6 objection to the height control has also been provided in response to the proposed amendment.

### Landscaping

Council's letter dated 18 May 2016 provided a range of detailed comments regarding the proposed landscape strategy for the site. A response to each of these matters is discussed below, and an amended Landscape Plan is provided.

### ITEM

While it is acknowledged that achieving 10% of the site as landscaping is optimistic when considering the existing situation, any existing deep soil should not be removed and any areas of deep soil need to be maximised.

An arborist report has not been provided and the landscape plans do not identify the species, size or condition of existing trees in the front setback and road reserve on Willarong Road.

The drawings also do not show the new footpath in Willarong Road near the intersection with Koonya Circuit that was completed sometime in 2014/2015.

### Willarong Road:

The existing eastern edge of the ground/mezzanine floor car park is approximately 2.6m from Willarong Road which provides a reasonable width of deep soil to support canopy trees. The architectural floor plans (DA05 and 06) and the landscape "Willarong Road Detail Section" (p09) show the proposed edge of the basement car park extending a further 800-900mm towards the boundary. This will impact the roots of the existing street trees and there will not be enough deep soil to support new canopy trees. Furthermore, the clump of five exotic trees in the front setback opposite 42 Willarong Rd, which are shown retained in the landscape plans, will have to be removed. While the latter trees have been heavily pruned at the base, as a group they are worthy of retention as they provide effective screening at the upper level.

### RESPONSE

There has not been any reduction in deep soil on the site

A detailed landscape plan has been prepared by the applicant which provides details of the existing and proposed trees. Our view is that an arborist report is not required under the circumstances.

The footpath has been placed on the amended Landscape Plan.

The edge of the carpark is existing and has not been moved, thus the deep soil is as existing.

As there is no change to the soil the existing trees to be retained will remain under the same conditions. The only trees that have been noted to be removed are those that sit within the proposed driveway locations.



### ITEM

Any extension of the lower parking levels into the existing deep soil area fronting Willarong Road is not supported.

The slab over the basement car park adjacent to Willarong Rd should be sloped to achieve a minimum of 1200mm soil depth where it meets deep soil. This will provide a better transition for the proposed planting than the flat slab currently shown.

### Roof top parking:

The proposed seating, planter boxes and pergola over the pedestrian walkway on the top level of the car park provide little benefit on their own. As noted by ARAP, light-weight shade structures should be included to provide summer shade and reduce glare.

Deeper soil, achieved either through mounding or tall planter boxes, should be provided in the south west corner adjacent to the staff seating area to establish a group of small canopy trees to provide shading and improve the amenity of the staff area.

### Planting layout:

The proposed planting layout throughout is very formal. A softer, more irregular planting layout with clusters of plants of mixed heights and species, that reflects the character of the Sutherland Shire, would be more in keeping with this location opposite Bunnings which is providing significant landscaping and a Greenweb Restoration zone.

The area of deep soil landscape is only 3.78%. To increase the area of deep soil planting, planting beds are to be extended to the edge of the footpath in Willarong Road and Koonya Circuit as is already the case in Willarong Road.

An additional Angophora costata is to be planted 4m from one of the proposed trees in Koonya Circuit to

### RESPONSE

The sections have been updated to meet with the requested 1200mm deep soil at the edge of the basement.

The rooftop has been updated including the removal of the pergola and the like.

Light-weight shade structures have been introduced to selected car-parking spaces in lieu of pedestrian walkway/pergola element previously proposed on second floor car-park level.

Three trees have been proposed in the south west corner adjacent to the staff seating area.

The planting design is a response to both residential setting of Willarong Road and the presentation of the centre to meet with the brand and the existing and proposed tenants that are collectively providing products for home improvements. We don't see that the irregular planting layout with clusters of plants of mixed heights is a suitable response and that biodiversity can still be met through the layered design that has been proposed.

For clarity, extending the planting line is not going to increase the deep soil – within our property or councils. That being said we have updated the drawing to increase the planting to the edge of the footpath.

Due to the size of an Angophora costata we don't support an additional tree being placed in the Koonya Circuit frontage. There is only one location that is possible and this will have a huge conflict with the



ITEM

create a more informal grouping. Note that all trees must be planted at a minimum distance of 3m from the building or structure.

In Taren Point Road the existing or proposed planting scheme contributes little to the streetscape. As previously recommended, the removal of the four existing Melaleuca quinquenervia trees would be support if two clusters of three indigenous trees were provided at either end of the building (6 in total). This would create an improved scale with the building and the street. The area of turf should also be significantly reduced and the area planted with more substantial and hardier understorey species, especially at either end of the building where trees are proposed

Undergrounding of the wires in Koonya Circuit, where deep soil is at a premium, would greatly assist street tree planting.

### Plant species:

Mixed species of indigenous street trees should be provided along Willarong Road and Koonya Circuit in accordance with Council's Urban Tree and Bushland Policy (2011). Additional species such as Eucalyptus punctata (Grey Gum) and Eucalyptus racemosa (Narrow Leaved Scribbly Gum) should be planted along with the proposed Corymbia gummifera in Willarong Rd.

In the front setback along Willarong Road the row of Tristaniopsis laurina (Water Gum) should be broken up by other indigenous species such as Angophora bakeri (Narrow leaf Apple) and Banksia serrata (Old Man Banksia). The understorey planting should also be mixed species with greater biodiversity.

Acmena smithii 'Minor' and Correa alba should be replaced by a mixture of Angophora hispida, Banksia spinulosa, Banksia oblongifolia, Ceratopetalum gummiferum, Hakea sericea and other smaller species available from Native Plant Selector on

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RESPONSE

signage along Koonya Circuit.

We have 10 trees proposed in the Taren Point Road frontage. This is made up of two clusters of three indigenous trees were provided at either end of the building and then an additional two clusters in the middle of the frontage.

We have also included additional planting to the frontage and removed the turf as suggested.

As discussed at the recent meeting with Council, it is not proposed to underground the electrical wires in Koonya Circuit as this is not currently practical.

Noted and adopted – see updated Landscape Plan and Plant Schedule.



ITEM

RESPONSE

### Council's website.

To prevent Hardenbergia violacea smothering other plants and to reduce ongoing maintenance a prostrate form should be selected. Also, because Hardenbergia can sometimes be a short-lived species, other species of native grasses and low shrubs such as should be used as well.

Along Taren Point Road the thin rows of Westringia 'Wyngabbie Gem', Lomandra 'Tanika' and Liriope isabel/a and large areas of Dampiera diversifolia will appear small and insubstantial against the building and will not thrive in such a hot and exposed position.

An automatic irrigation system must be provided for all landscaped areas.

The planting has been selected for both sightlines to the shopfront windows and also to maintain suitable outcomes from a CPTED perspective,

This is what has been specified already. Please refer to the specification notes.

### Traffic

Council's correspondence issued on 18 May 2016 initially recommended that the entry/exit point on Koonya Circuit be modified to be exit only.

Our traffic consultant, CBHK (Tim Rogers), has had subsequent discussions with Council's traffic officer which confirms that this access should remain entry and exit in order to allow direct access to both levels of the car park and better distribute traffic to the road network. This would have the best outcome in terms of pedestrian and vehicle safety at the Koonya Circuit/Willarong Road intersection as it takes pressure off Koonya Circuit (which is a busier road). If this access was exit only all vehicles from the north would have turn right into Koonya Circuit to access the Koonya access.

On 23 June 2016, Council's traffic engineer provided the following email to the applicant:

### Willarong Ave

The provision of an entry <u>and</u> exit point off the Mezzanine level of the car park is supported but, to direct traffic exiting the driveway towards the left only, a concrete median needs to be provided. The median should be designed to allow entry from the north (right turn into the driveway) and enable the residents at No 19 Willarong Rd to turn right from their driveway into the traffic lane heading north.

To improve safety for pedestrians at the entry exit driveway the 1.2m wide internal median needs to be widened to create a 3m separation between the in and out vehicle crossings.

### Koonya Circuit

The widening of the entry and exit on Koonya Circuit remains the preferred option - the driveway dimensions indicated on the plans i.e (4m/2m/4m) are desired (1 understand that these dimensions were discussed and agreed to with Bruce). In addition to improve

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manoeuvrability from this entry exit driveway it is advised that the exit crossing be splayed by 1.2m.

The engineer suggests that to improve safety along Koonya Circuit an application to the Traffic Committee could be made to create a no stopping zone in this area.

As pedestrian volumes are low in this location the proposed pedestrian crossing on Koonya Circuit is unlikely to satisfy the warrant criteria and it is recommended that a pedestrian refuge island be provided instead.

### Car Park top floor

I have also attached a diagram from the engineer suggesting the directional arrow markings for the top floor of the car park to best reflect likely vehicular movement and assist the flow of traffic in the car park.

As discussed during our recent Council meeting on 28 June 2016, we explained that while we can introduce a median strip in the centre of Willarong Road to direct traffic exiting the Mezzanine level carpark, we request further consideration of this requirement. Vehicles are currently not permitted to exit onto Captain Cook Drive at the southern end of Willarong Road, therefore, most vehicles will exit turning left only. However, in the event that a customer wishes to re-enter the site and access the second floor level car-parking level, it would be beneficial to permit a right turn from this exit driveway, albeit that this requirement would most likely only have infrequent use.

We have increased the median strip between the exit and entry driveways to 2.0m wide and have maintained the 4.0m wide driveway widths at the street kerb, ie: to match the Koonya Circuit driveway proposal (as noted below). Unfortunately, Council's request to increase this median to 3.0m wide, would require a major re-design of the entry driveway and ramp access into the existing Mezzanine level car-park. The current driveway median design is currently 1.0m wide, and to accommodate an additional 2.0m increase in width, the entry driveway would need to move further south along Willarong Road. This will require an increased gradient for the entry ramp leading onto the existing Mezzanine floor car-park and/or demolition of part of the existing car-park structure, including loss of some carparking spaces. The proposed amendment to increase the median to 2.0m wide only at the street kerb, will achieve a similar pedestrian refuge point as proposed for Koonya Circuit and we request Council's further review and approval.

Pedestrian Entrance to Koonya Circuit

As recommended by the ARAP, we have amended the proposed Ground floor plan and re-aligned the arcade to improve way-finding for pedestrian access into the Centre and to the central vertical access (escalators/lift) to other levels.

This re-alignment also provides activated shopfront each side of the arcade, immediately adjacent to the Koonya Circuit main entry. Flood mitigation from Koonya Circuit is also maintained, as previously proposed, ie: 500mm above the 1:100 flood level. (refer also SK416 showing amended Ground floor plan).

We trust that this responds positively to the ARAPs comments, and will enhance the proposal.

Flooding

In response to Council's queries in relation to flooding, our flood engineer (FloodMit) have liaised with Council's engineers.

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The proposed design of the customer vehicle entry/exit driveways at Willarong Road and Koonya Circuit provide a 1:20 grade access inside the property boundary rising to a crest. This crest currently provides flood level protection of 200mm height above the corresponding 1:100 flood level. The entry/exit driveways then ramp down into the respective car-parking level at a maximum gradient of 1:8.

Our development application has provided technical information that addresses the current/available flood reports from Council. If the Council are seeking additional information on the flood planning for the area, Council would be better placed to prepare these to guide the surrounding area.

However, in any event, we propose that any additional flood mitigation (height) required above the 200mm height already provided, would be achieved using a proprietary flood gate device activated by flood level sensors as appropriate. Any proposed flood gate device would be inspected and tested on a regular basis and form part of an on-going building maintenance program, ie: similar to regular inspections and testing of other essential building services.

The applicant has had early discussions with reliable flood gate companies, Flooding Solutions Advisory Group and Flood Control International regarding their flood gate systems. We are happy to work with Council's flood engineers to agree on a suitable condition of consent is this regard.

We acknowledge Council's preference to increase flood mitigation from 200mm to 500mm, in these locations. However, we are concerned with the potential safety concerns if the bund and vehicle ramp gradient was to increase, and by increasing the current 200mm bund height this would result in undesirable vehicle ramp gradients, eg. 1:6 gradient. The impact of increasing the proposed bund height and maintaining current ramp grades would also result in longer ramp lengths and require demolition of part of the existing car-park structure, including loss of some car-parking spaces.

### Stormwater Management

The Stormwater Statement (prepared by Neil Lowry & Associates) specified that an orifice pipe in the form of a chock exists to operate as an OSD device. We note the Flood Assessment Report notes that the proposed development does not increase the impervious area of the site. As such there is no increase in the discharge from the site and the need for an additional OSD is not required.

There is a new rainwater tank located on Level 2 carpark. The overflow discharges into the existing stormwater system above the orifice pipe, to ensure there is no additional discharge from the site, therefore roof water would be segregated from surface water as required.

If any further details are required at this stage it would be appreciated if Council could specify specifically what is required and/or recommend conditions of consent in this respect.

### Signage

Council have indicated that there is excessive signage which detracts from the quality of the proposal and the streetscape, requesting that a different approach is required for the Taren Point Road elevation and the Koonya Circuit elevation.

In comparison to the existing approved development (in 2012) for the site, the proportion of signage as a percentage of the additional GFA proposed has actually decreased (i.e. from 25% to 20%). Therefore, the proposal was seeking to provide integration with the new external façade, and less than the approved development.

However, in light of Council's comments, the applicant would be willing to agree on a suitable condition of consent to ensure that the proposed signage zones are more tailored to the future tenant requirements, prior to occupation of the development. This will ensure that the signage responds to the



specific requirements of tenants in the centre (which are still in the process of being confirmed), when there is more certainty about the content of the signs.

Conclusion

We trust that the above information enables Council Officers to finalise assessment of the DA, but should you require any additional information or assistance, please do not hesitate to contact the undersigned on 8233 7606.

Yours sincerely,

Andrew Harvey Director

D. Frank

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### Clause 4.6 Variation (Updated)

### 1.1.1 CLAUSE 4.6 VARIATION

This application seeks to vary both the maximum building height and landscape area standards of SSLEP 2013.

In response to recent feedback from Council Officers, the building height of the original proposal has been reduced, with the degree of non-compliance also reduced from the DA that was originally submitted. Therefore, this variation has been updated to reflect this amendment.

The previous proposal provided a 'minimum' height of 6.5m below the lowest point of any structural element. This was provided to satisfy requirements of a specific prospective tenant to lease the upper floor of the proposal. The proposed reduction in height to 4.5m will result in this tenant compromising their preferred minimum requirements, should they wish to pursue their interest with this lease any further. However, we trust that this amendment will address Council's concerns with the application.

Clause 4.6 of SSLEP 2013 allows Council to grant consent to a development application notwithstanding a breach of development standards relating to a site. The variation can be exercised where a written request is made by the applicant justifying the contravention of the standards. The express objective of Clause 4.6 (1) is to (our emphasis):

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

Clause 4.6(3) of the LEP outlines the requirements of a variation, which must demonstrate:

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

Under Clause 4.6(4)(a) of the SSLEP 2013, consent for a development that contravenes a development standard must not be granted unless, in addition to the issues in Subclause 4.6(3), the consent authority is satisfied that:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

We deal with both the height and landscape area standard separately below, in accordance with these considerations.

### 1.1.1.1 BUILDING HEIGHT

**Development Standard and Extent of Variation** 

Clauses 4.3(2) set out the building height standards which apply to the subject site. Under Clause 4.3(2):

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

The 'Height of Buildings Map' indicates that a maximum building height of 16 metres applies to the site. With the exception of existing building elements (such as the turrets in select locations) the original proposal proposed a height ranging from 12.5m up to approximately 20.4m (i.e. up to 4.4m above the development standard). This height was determined by providing a clear min. internal (springing) height of 6.5m to the underside of steel structure. This was to satisfy the requirements of a prospective Large Format Retail (LFR) tenant seeking to locate at the Caringbah Homemaker Centre, who required a larger floor to ceiling height.

Notwithstanding, the applicant has agreed to reduce the height of the proposed second floor roof tenancy in response to Council's concerns. The absolute 'minimum' height below the lowest point of any structural element for a LFR tenant is 4.5m (which allows for a nominal 4.0m ceiling height plus 500mm above ceiling for building services). Therefore, the extent of non-compliance measured along the north elevation would reduce to approx. 1,250mm and 2,435mm respectively (i.e. maximum height of 17.25m – 18.43m).

This is consistent with the top height of the adjacent Bunnings approval which was approximately 17.9m (or 11%). The extent of variation for the proposal is numerically between 7.3%-11.5% above the height standard applicable to the site.

### Will the proposed variation achieve a better outcome for and from development by allowing flexibility in particular circumstances?

The element of the proposed development which exceeds the 16m height standard principally relates to the proposed upper retail level.

The recently gazetted SSLEP 2013 provides for additional floor space uplift of 0.5:1 from the now superseded LEP 2006, which reflects that site and surrounding precinct will provide opportunities for additional bulky goods floorspace to respond to the pent up demand in the area. While the building height has also increased from 12m to 16m, the design approach taken on the site has been to limit building height and scale around the street frontages, and provide additional height and massing to the centralised part of the site where the built form can be further setback and be more visually subservient from the street.

Under this height and massing scenario, while a taller element is proposed, this has still meant that the proposal has been unable to achieve a maximum FSR of 1.5:1. Therefore, in seeking a variation for building height, this is not at all linked or seeking to vary the maximum FSR permitted on the site, but actually results in an overall reduction in density across the site.

Therefore, the proposed height and massing, which has been supported by the ARAP, results in a reduced density across the site than an otherwise complying scheme. Notwithstanding the support of the ARAP, the applicant has sought to further reduce the building height to reduce the scale of the proposal further.

In summary, the proposal seeks to logically redistribute the massing and building height in a manner which reduces the pedestrian scale and enhances the streetscape presentation along Taren Point Road, Willarong Road and Koonya Circuit. This will have a positive impact on the locality, and the additional flexibility with the building height will enable the applicant to provide a high quality, new LFR tenant on the upper floor. The proposed height variation will not create any unreasonable impacts on surrounding properties.

On this basis, the proposal represents a better outcome both for the development and the surrounding properties.

### (a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case & b) there are sufficient environmental grounds to justify contravening the development standard

This section assesses the proposed variation to consider whether compliance with the building height standard can be considered unreasonable or unnecessary in this specific circumstance, and whether there are sufficient environmental planning grounds to justify contravening the development standard.

### Clause 4.6 Variation (Updated)

In the Wehbe Land and Environment Court decision, Preston CJ set out five ways in which an objection to a development standard can be supported:

- the objectives of the standard are achieved notwithstanding non-compliance with the standard;
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- 4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- 5. the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The first consideration, demonstrating that the objectives of the height standard can be achieved notwithstanding noncompliance, is most important to the assessment of this variation. The compliance of the proposed development and variation with the objectives of the height standard in Clause 4.3 of the LEP is demonstrated below.

(a) To ensure that the scale of buildings is (i) compatible with adjoining development, and ii) 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 public domain

The proposed scale of buildings has been designed to ensure that a lower scale is provided around the street frontages ranging between 12-14 metres, with a taller setback second floor. This approach was broadly consistent with the 2012 approval, albeit that the new proposal has been able to utilise additional available gross floor area from the recent uplift under SSLEP 2013 and accommodates an additional retail level. The upper level tenancy is setback a considerable distance from the street.

The ARAP minutes confirm that they are supportive of the proposed height and density.

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

As demonstrated in the shadow diagrams included at **Appendix C**, the proposed massing has been arranged in a manner where it has negligible impacts on surrounding residential buildings and the public domain. The design of the centre itself has proposed skylights which reduce energy dependency throughout the mall.

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

As discussed above and within Section 6 of this report, the proposal will not give rise to any unreasonable impacts on views, privacy, overshadowing or visual intrusion.

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

As discussed above, the applicant has sought to retain a lower scale at all three street frontages surrounding the centre, and specifically setback the taller elements from the street so as not to overbear the scale at the street.

The visual appearance of the proposal has also been improved by the use of high quality materials and articulation of each of the building elevations. This is also further complimented by a significantly enhanced landscape design for the site which also seeks to break down the scale of the built form.

(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,

The proposal is not located in a residential zone, however careful attention has been given to the design of the Willarong Road interface to ensure that the scale, materials and landscaping are consistent with the residential quality of this street. The design removes unsightly areas of car parking and replaces these with a stronger, more defined street wall along Willarong Road and has also consolidated the vehicular access points along this street which will assist with reducing light-spill and noise.

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

As discussed above, the proposal has sought to transition building height across this very large site in a manner which reduces the building height and scale adjacent to the surrounding residential properties on Willarong Road.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As discussed above, the proposal will be in the public interest as it is consistent with the above objectives, and the objectives of the B5 Zone as discussed in Section 5 of this report.

### 1112 LANDSCAPE AREA

Clauses 6.11(2) set out the building height standards which apply to the subject site. Under Clause 4.3(2):

The minimum landscaped area on any land shall not be less than the required percentage shown on the <u>Landscape Area Map</u>.

The 'Landscape Area Map' indicates that a minimum of 10% landscape area applies to the subject site.

Landscape Area is defined as:

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

The proposed landscape area, or areas for 'deep soil' planting are limited by virtue of the existing centre and comprise of 3.78% of the site area. This represents a small increase from the existing development (3.76%) however, the applicant has provided a significant increase in planting which otherwise sits above structures which comprises 6.75% of the site area. This represents an increase of 674sqm of additional landscaping to that of the existing centre which is a very positive initiative.

Will the proposed variation achieve a better outcome for and from development by allowing flexibility in particular circumstances?

As established during the assessment of the 2012 approval, there are limited opportunities for the proposal to provide a significant quantum of additional deep soil landscaping on the site, given the large footprint of the existing centre. However, the proposal does provide a small increase in deep soil cumulatively, as well as a much more significant increase in non-deep soil landscaping which is otherwise a better outcome under the circumstances. As agreed by Council in the JRPP report for the 2012, this approach is a logical one and the previous SEPP 1 objection was supported on this basis.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case & b) there are sufficient environmental grounds to justify contravening the development standard

### Clause 4.6 Variation (Updated)

This section assesses the proposed variation to consider whether compliance with the landscape area standard can be considered unreasonable or unnecessary in this specific circumstance, and whether there are sufficient environmental planning grounds to justify contravening the development standard.

As discussed above, in the *Wehbe* Land and Environment Court decision, Preston CJ set out five ways in which an objection to a development standard can be supported, with the first being consideration, demonstrating that the objectives of the height standard can be achieved notwithstanding noncompliance, is most important to the assessment of this variation. The compliance of the proposed development and variation with the objectives of the landscape area standard in Clause 6.11 of the LEP is demonstrated below.

### (a) to ensure adequate opportunities for the retention or provision of vegetation that contributes to biodiversity,

The proposal retains existing deep soil planting and landscaping, and adds an additional 674sqm of landscaping above structures.

Additional landscaping facilitates the proposed implementation of Water Sensitive Urban Design (WSUD) initiatives. Four key principles have been adopted with regard to the provision of vegetation to ensure the long term sustainability of the project:

- Low water use plants Low water use and robust plants have been adopted in accordance with "Sutherland Shire Plants: A Guide to Indigenous Plant Species Suitable for Landscape and Revegetation Projects." The proposed selection has given preference to locally indigenous species that are adapted to the local soils and climate. However, non-indigenous species have also been included to provide colour and foliage accents. The species selected after establishment will have a low water requirement and will create a long term sustainable landscape.
- Irrigation efficiency If irrigation is required, drip irrigation will be specified as it is more effective in supplying a slow and steady amount of water to beneath the soil surface preventing excess surface water build up reducing the rate of evaporation.
- <u>Surface mulch</u> It is proposed that all planting areas will be installed with minimum 75mm layer of
  forest fines mulch. The mulch layer not only protects the soil from erosion and weed invasion it also
  insulates the soil and limits evaporation of the soil's moisture reserves.
- <u>Effective landscape maintenance</u> The landscape has been designed to ensure that effective long term maintenance can be achieved.

While the site is a heavily modified B5 zoned site with little remnant biodiversity, the proposed increase in landscape area will increase biodiversity. For these reasons, the proposal is consistent with this objective.

### (b) to ensure adequate opportunities for tree retention and tree planting so as to preserve and enhance the tree canopy of Sutherland Shire,

The report submitted with the landscape plan provides commentary on the retention and embellishment of trees to preserve and enhance the tree canopy of Sutherland Shire. A number of existing trees have been retained and assist with the proposed landscape scheme which promotes local native vegetation.

On Taren Point Road, the existing street trees have been planted too close to the building and as a result lack a natural canopy due to severe pruning. These trees are proposed to be replaced with more suitable species planted in position that will enable the full growth of the trees crown and canopy in accordance with Sutherland Shire Council's Tree Planting Program for Taren Point Road (DCP 2006).

The proposed development will thereby enhance the tree canopy of the locality.

### (c) to minimise urban run-off by maximising pervious areas on the sites of development,

The proposed landscape concept for the site will assist in reducing impervious areas and reduce peak stormwater flows for rainfall events. Additional rainwater storage capacity will be installed to harvest roof water and overflow of the rainwater tank will discharge into the existing stormwater system to ensure no additional discharge.

The proposed additional landscape areas will further assist in retaining rainwater on the site.

### (d) to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,

To increase the amenity of the proposed redevelopment and minimise any potential visual impact on surrounding residences, the landscape concept proposes to provide screen planting to soften the built form.

It is proposed that screen planting be installed along the Willarong boundary to provide a green edge to the site. To soften the overall built form mass planting is proposed to be installed where suitable in the raised planter beds in the car parking area. Planter boxes are also proposed to the upper deck car park to provide an attractive treatment of this area.

The turf adjoining the mass planting along Taren Point Road is proposed to be regraded and re-laid to provide a smoother finish. The planting bed is also proposed to be extended to accentuate the building entrance and to also minimise pedestrian traffic degrading the turf.

(e) to ensure that landscaping carried out in connection with development on land in Zone IN1 General Industrial; Zone IN2 Light Industrial; Zone IN3 Heavy Industrial; Zone B5 Business Development; Zone B6 Enterprise Corridor and Zone B7 Business Park, is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.

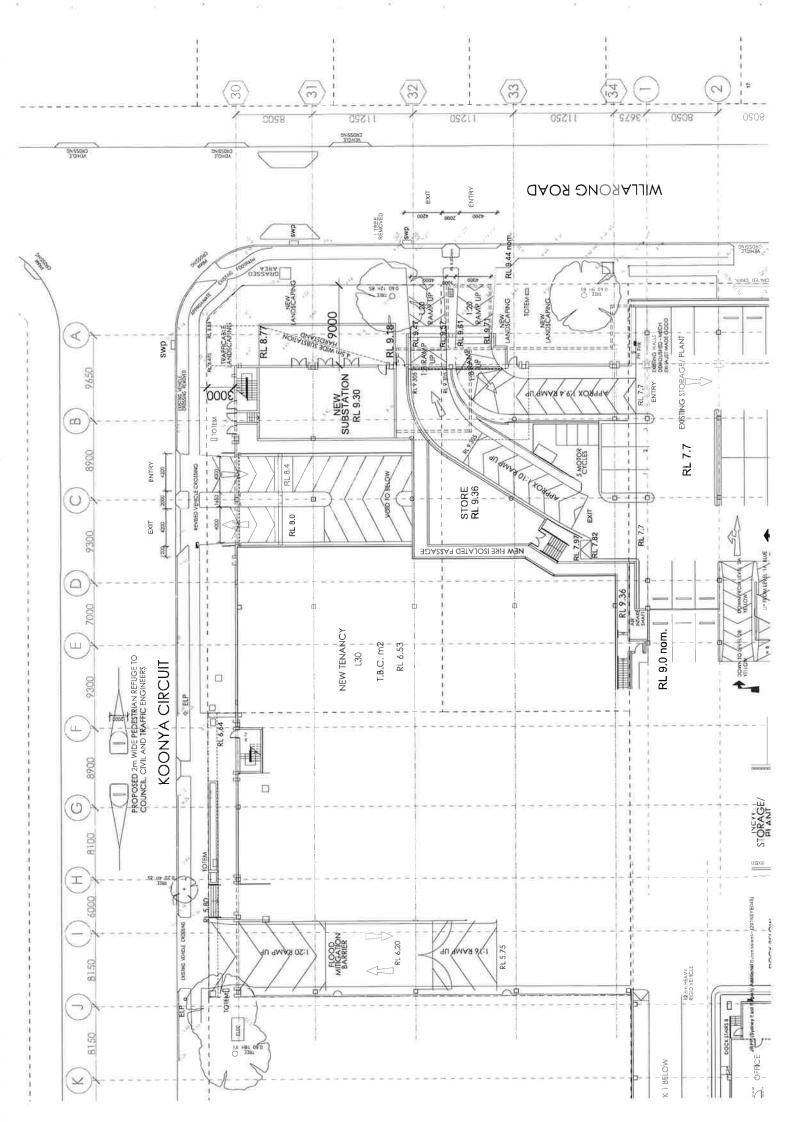
The existing development incorporates landscaping (maximum 2m in height) along the development boundaries, in particular Willarong and Taren Point Roads. These areas will be expanded to complement the scale of the proposed built form and enhance the attractiveness of the locality.

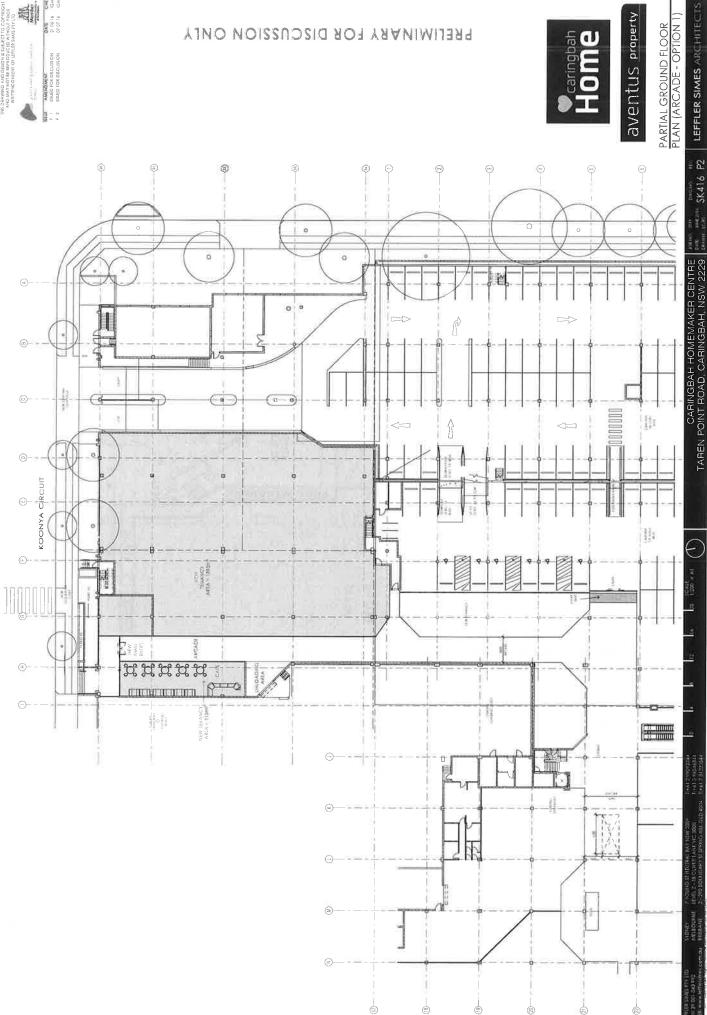
The additional provision of landscaping in the car park area will provide more effective screening of the car park and built form. Landscaping will also be introduced on the new level (eastern elevation) consistent with the objective to 'enhance workforce amenities'.

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As discussed above, the proposal will be in the public interest as it is consistent with the above objectives, and the objectives of the B5 Zone as discussed in Section 5 of this report.

### Clause 4.6 Variation (Updated)





PRELIMINARY FOR DISCUSSION ONLY

21-06-16 GAR 07-07-16 IGAR



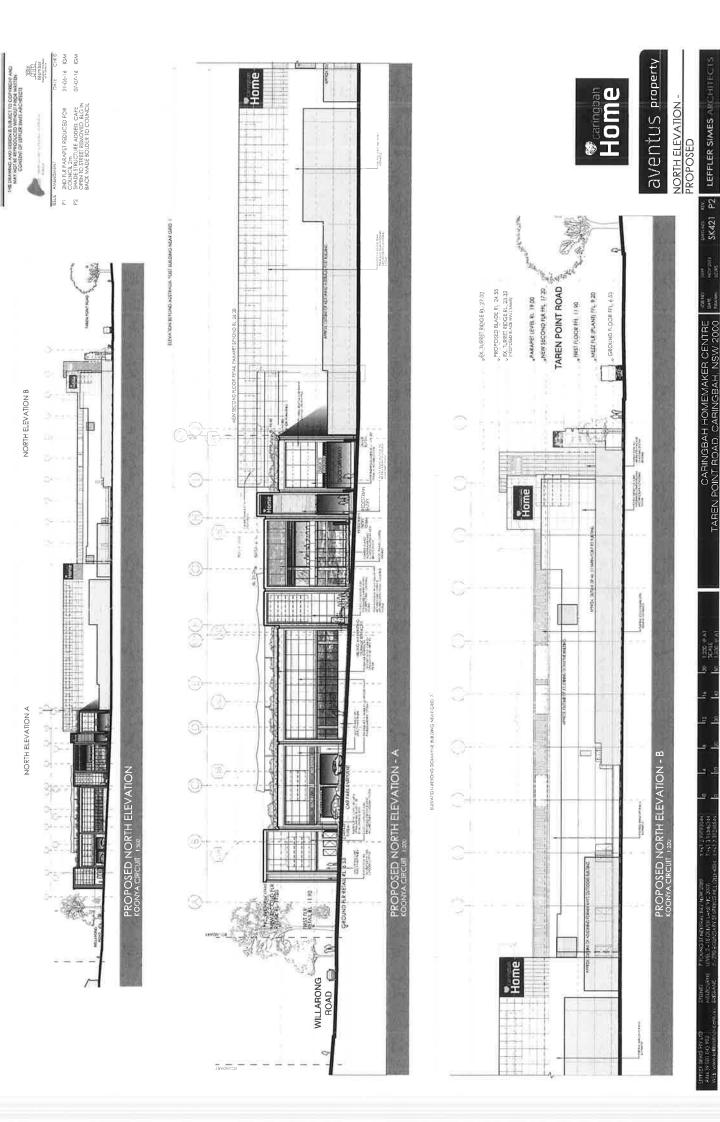
**AVENTUS** property

PARTIAL GROUND FLOOR PLAN (ARCADE - OPTION 1

**BVENTUS** property

PRELIMINARY FOR DISCUSSION ONLY

KOONYA CIRCUIT 0 9 (E) 0 (a)-(B) 0



SK422 P2 LEFFLER SIMES ARCHITECTS EAST ELEVATION -PROPOSED

**AVENTUS** property

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\*Caringbah Home

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AFPROVED BUNNINGS REDEVELOPMENT PARAPET BEYOND RT 19 95

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PROPOSED EAST ELEVATION - A WILLARONG ROAD 1500

LEAKE + 00 MEZZ LOBBY RL 9 10g

HOCE R. DUC

APPROXIDE ROLL RI 22 00

21-06-16 IGM 07-07-16 IGM

P1 2ND FLR PARAPET REDUCED FOR COUNCIL 2m P2 SHADE STRUCTURE ADDED, CAFE OFFN TO STREET REMOVED BLG. IN BACK MADE BOLDER TO COUNCIL

**EAST ELEVATION B** 

EAST ELEVATION A

Series of the se

PROPOSED EAST ELEVATION WILLARONG ROAD 1570

ELEVATION SECOND NO. 51-52 WILLARDING ROAD WAR GARD

IN TURNT ROCK IL. DUV. EX JUPRET GUTTER PL. 21.16x PLANTER TOP RL 17.89 NEW SECOND FIR RETAIL BL 17.20 F

U/5 AWNING RL 16 40<sup>△</sup> HETHER HALL IN THE

MAY NOT BE REPRODUCED WITHOUT PRIOR WRITTEN
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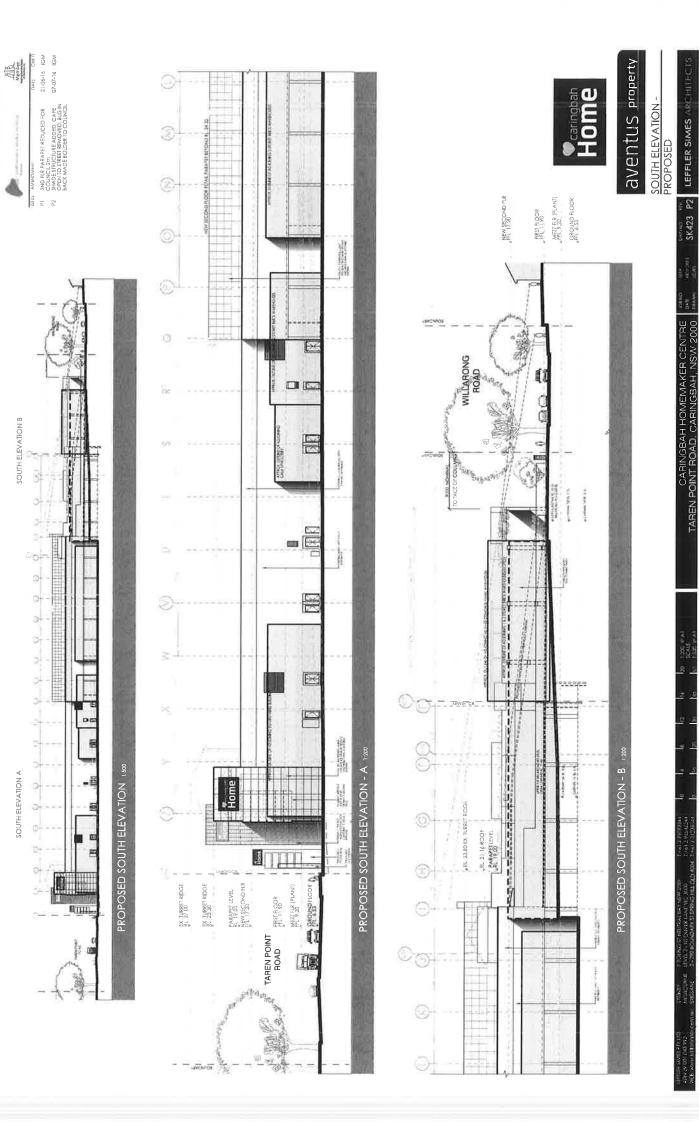
ANYBOX HIST TWEET TABE SALES AT WILLARONG

KOONYA

Section 1

PROPOSED EAST ELEVATION - B WILLARONG ROAD 1200

CARINGBAH HOMEMAKER CENTRE TAREN POINT ROAD, CARINGBAH, NSW 2000



**AVENTUS** property WEST ELEVATION -PROPOSED

€ caringbah Home

RL 23 30 (EX RIDGE LEVEL) A 100 PM STATE OF Home PROPOSED WEST ELEVATION - A TAKEN POINT ROAD 1200 FFL 17.20 (NEW SECOND FLOOR RETAIL LEVEL) FEL 9.20 (MEZZANINE ELOOR PLANT LEVEL)
KOONYA CIRCUIT
FEL 6.53 (GROUND FLOOR RETAIL LEVEL) FFL. 11 90 (FIRST FLOOR RETAIL LEVEL) RL 19 00 (PARAPET LEVEL) RL 21 00 [ROOF LEVEL]

21-06-16 IGM 07-07-16 IGM

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INIS DRAWING AND DESIGN IS SUBJECT TO COPYRIGHT AND MAY NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT OF LEFFLER SIMES ARCHITECTS

WEST ELEVATION B

WEST ELEVATION A

PROPOSED WEST ELEVATION TAREN POINT ROAD 1:500

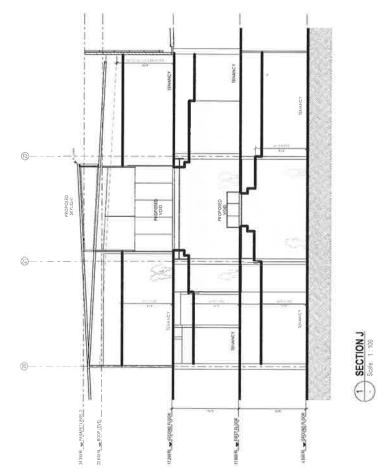
NEW SECOND FLR FR. 17.20 "PROPOSED BLADE RL. 24.55 " Ex. TURRET MOGE RL. 23.33 PROPOSED RAZE WALL! EX TURRET RIDGE RL 27.00 . EX TURRET ROOF AL. 21.00 w MEZZ FLR (PLANT) FFL 9,20 PARAPET LIVE, RL 19.00 W FIRST FLOOR FFL 11.90 PROPOSED WEST ELEVATION - B TAREN POINT ROAD 1200 RL 23.30 (EX. RIDGE LEVEL) And the second control of the second control

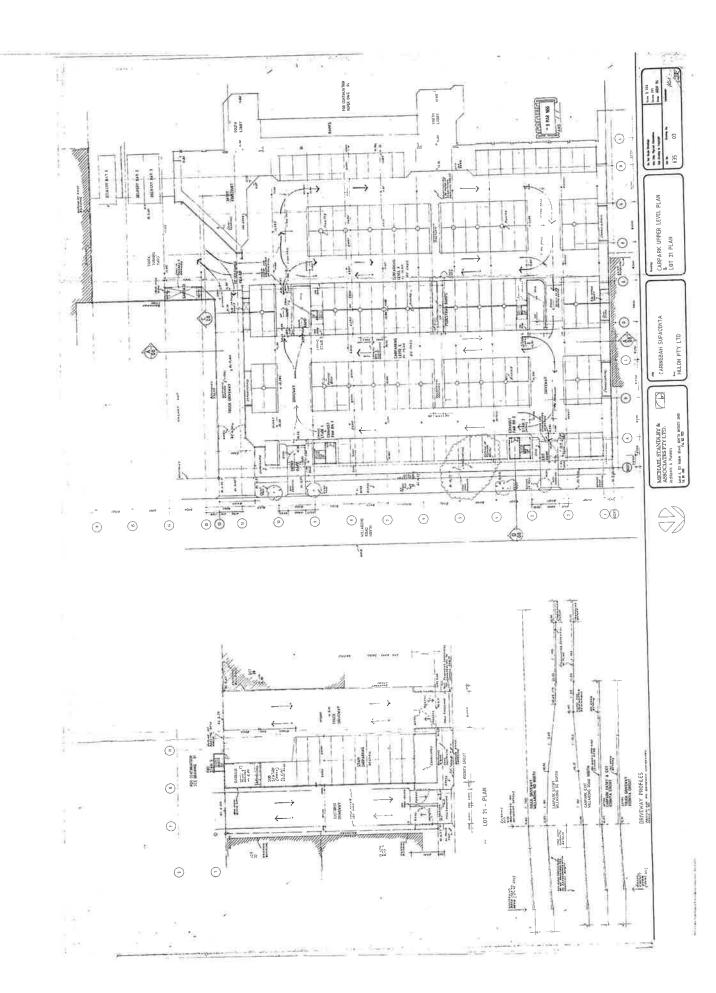
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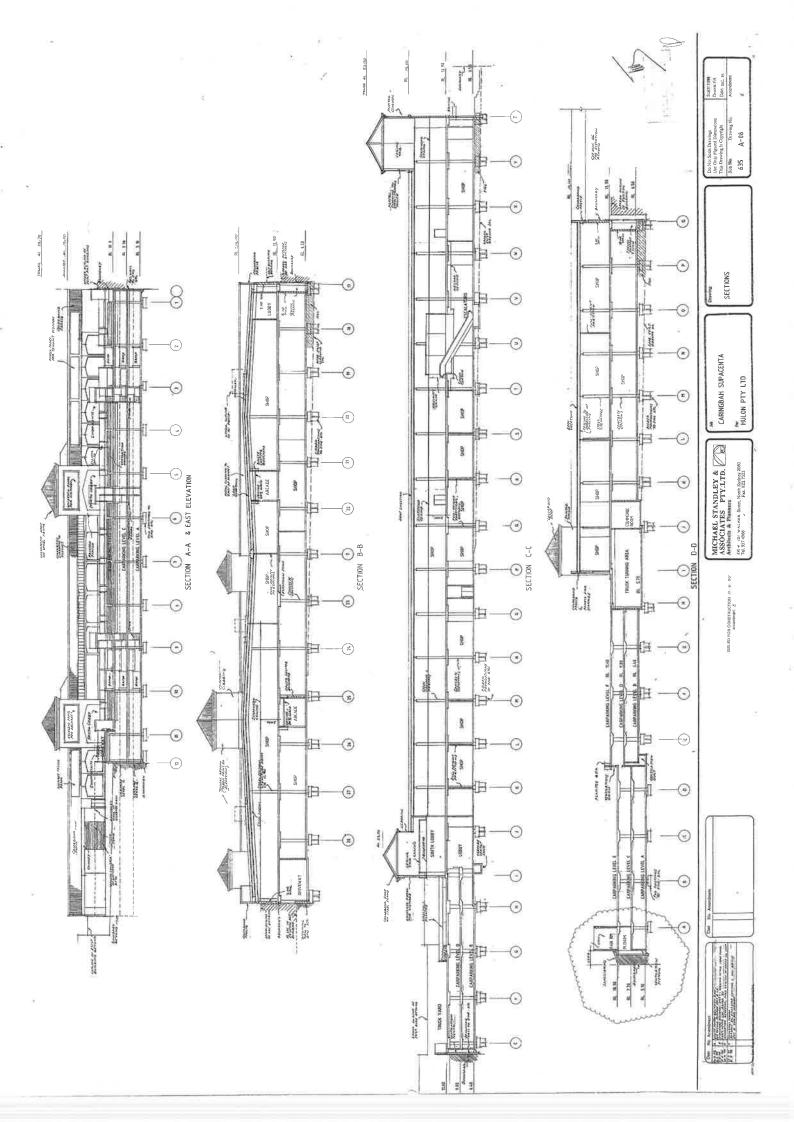
CARINGBAH HOMEMAKER CENTRE TAREN POINT ROAD, CARINGBAH, NSW 2000

aventus property

### PRELIMINARY FOR DISCUSSION ONLY







HOME BAH property BBRC

### KEY PRINCIPLES

- Water sensitive native planting Develop positive identity
  - Low maintenance
- Maintain sightlines on Taren Point Rd
  - Improve streetscape amenity
- Created a layered landscape to screen along Willarong Rd





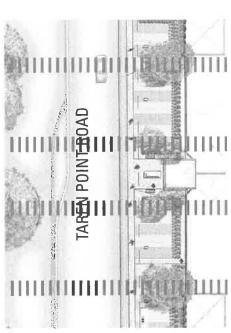


Landscape Development Application

Date July 2015 Scale N1S Issue F

## CONCEPT DIAGRAMS

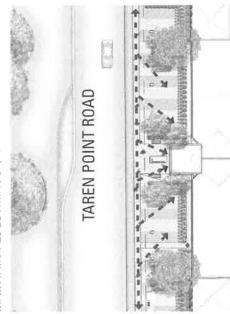
### STREETSCAPE RHYTHM



Streetst ape rhythm created by the alignment of the proposed street trees and rotem signage assists with defining the main entrance whilst maintaining a strong sheet presence

LAYERED PRIVATE AND PUBLIC STREETSCAPE

## MAINTAIN PEDESTRIAN SIGHTLINES



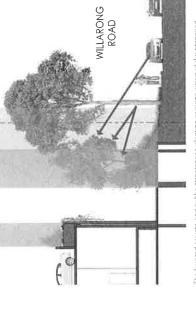
posed feature tree species selection and careful alignment with proposed signage and achivated shop fronts frames pedestrian views

## MAINTAIN VEHICLE SIGHTLINES



Proposed feature tree species selection and careful alignment with proposed signage and

## LAYERED STREETSCAPE SCREENING



development along Willarong Road. Native species selection creates a fow inaintenance The layered private and public streetscape planting screens views of the proposed water sensitive environment that enhances the current streetscape

## WILLARONG ROAD

Fluid connection between private and public streetscape allows for a strong presence along Williarung Road and enhances the existing streetscape character

CARINGBAH HOMEMAKER CENTRE Landscape Development Application

Dato July 2016 Scale NIS Issue E

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Proposed Large Trees

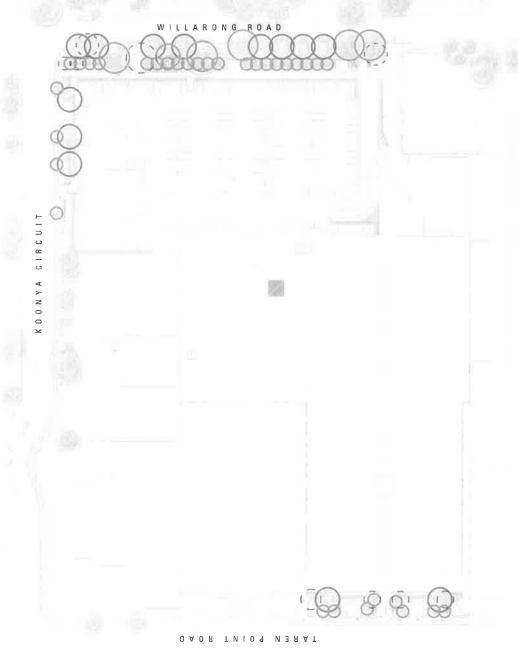
Existing Trees to be Retained

Proposed Small Trees

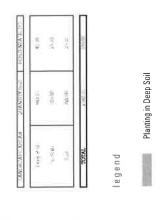
Trees to be Removed

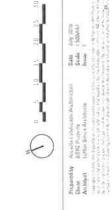
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### TOTAL LANDSCAPE AREAS

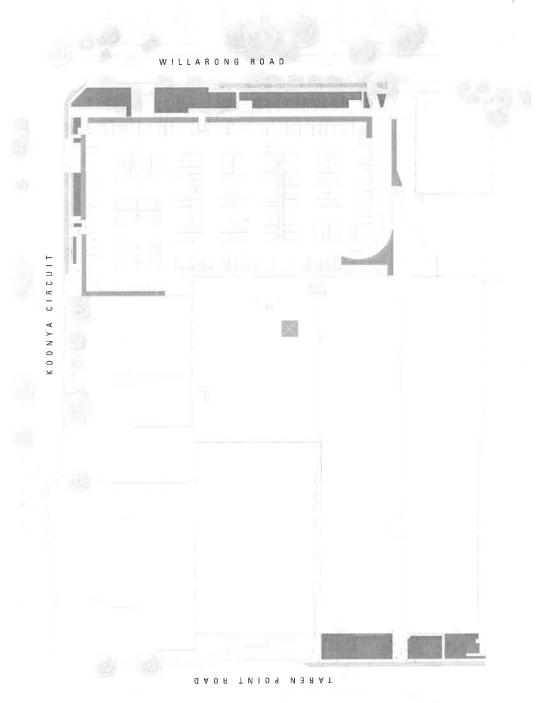




Planting on Stab

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CARINGBAH HOMEMAKER CENTRE Landscape Development Application

ALANDSCAPE ARCHITECTURE

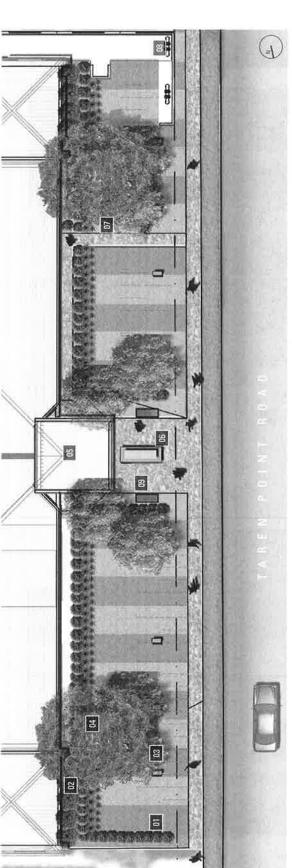




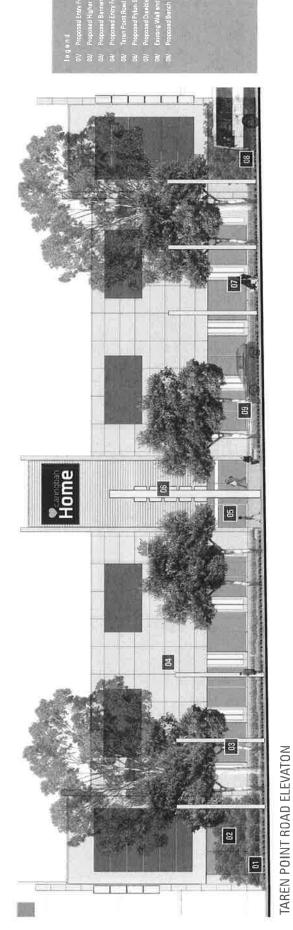
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# DETAIL PLAN & ELEVATION DE



TAREN POINT ROAD PLAN

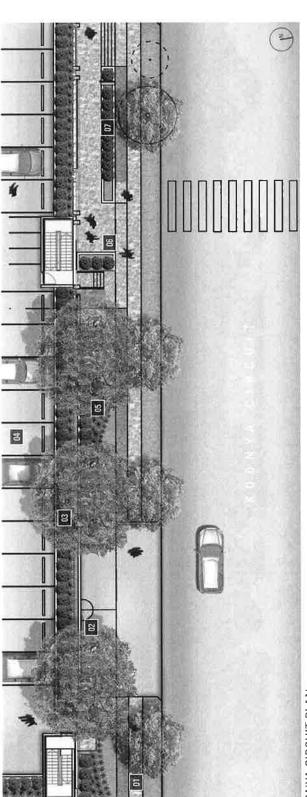




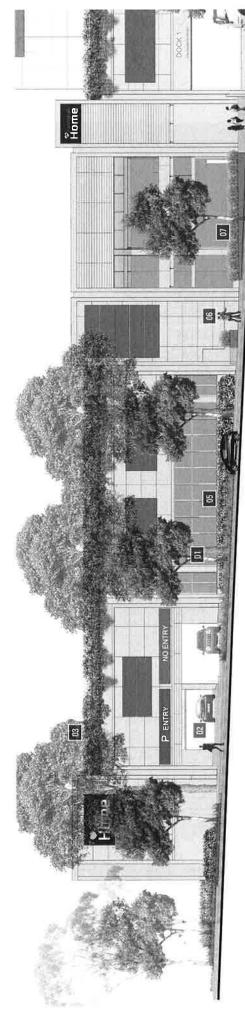
## DETAIL PLAN & ELEVATION





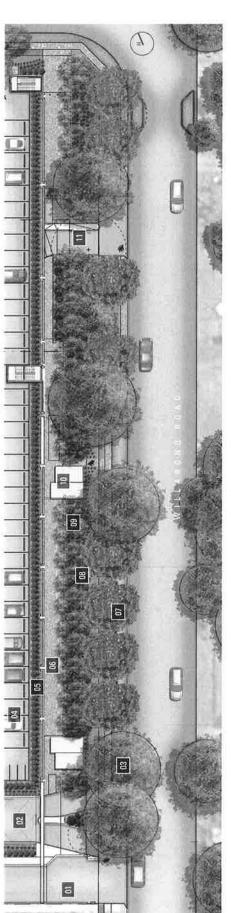


KOONYA CIRCUIT PLAN



KOONYA CIRCUIT ELEVATON

# DETAIL PLAN & ELEVATION TO



### WILLARONG ROAD PLAN



## WILLARONG ROAD ELEVATON

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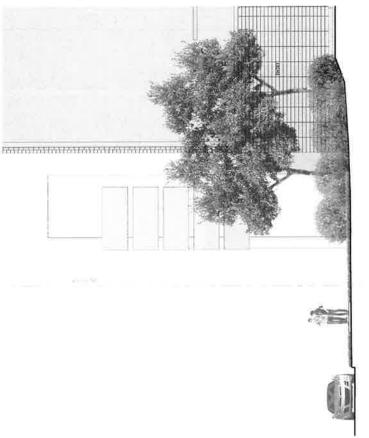








Seale 1,000A1 Scale 1,000A1 house (



TAREN POINT ROAD DETAIL SECTION





Scale 130 d'Al Scale 130 d'Al Rose 1







CARINGBAH HOMEMAKER CENTRE Landscape Development Application



# INDICATIVE PLANT SCHEDULE IN



			-	44	_		_	_	_	_	_
14-186 CARINGBAH HOMEMAKER CENTRE	BOTANIC NAME	TREES & PALMS	Angophora bakeri	Angophora costata	Banksia serrata	Corymbia gummifera	Eucalyptus amplifolia	Eucalyptus punctata	Eucalyptus racemosa	Tristaniopsis laurina	Terestonion of the second
14-186	CODE		Ab	Ac	Bs	Cog	Ea	Ð	ش	F	Ê
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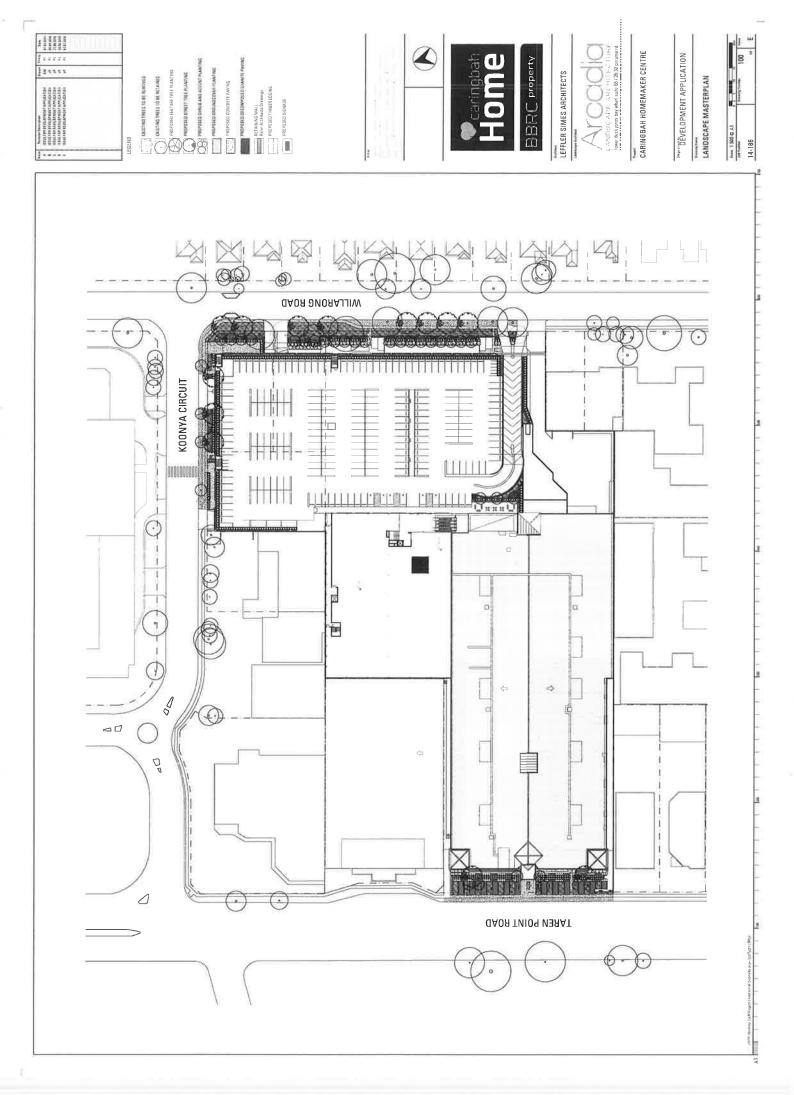
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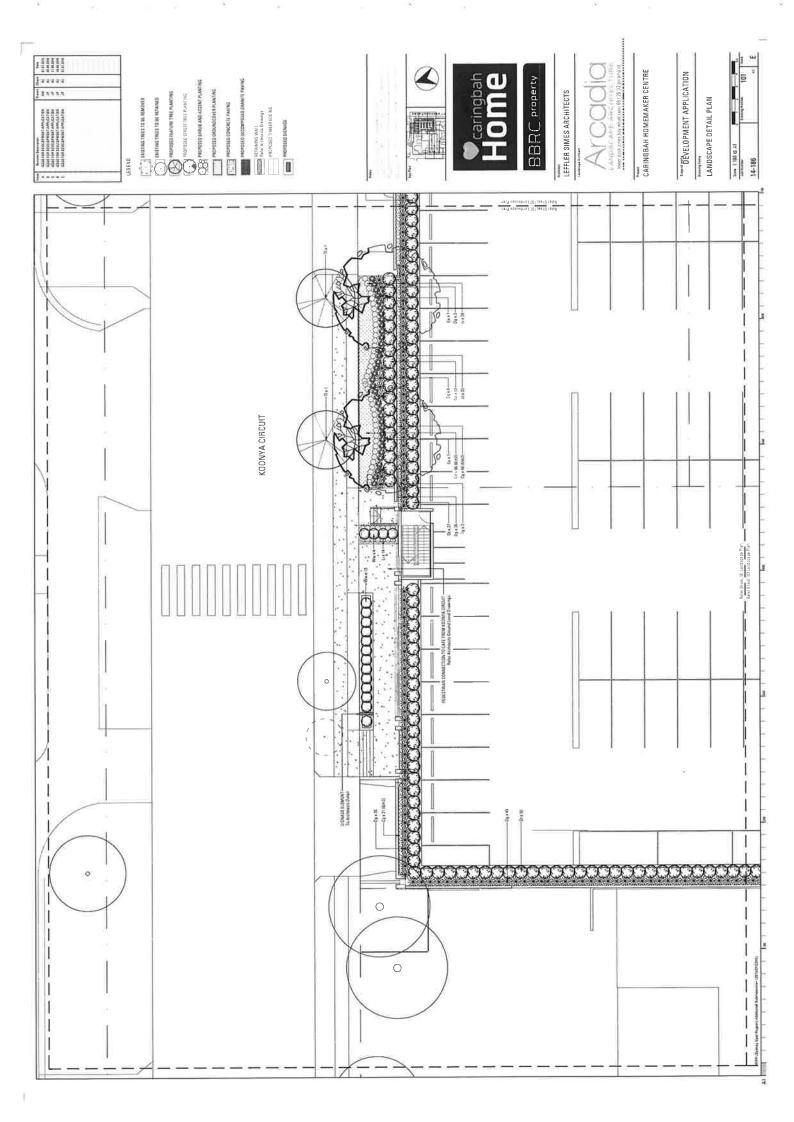
**GBASSES** 

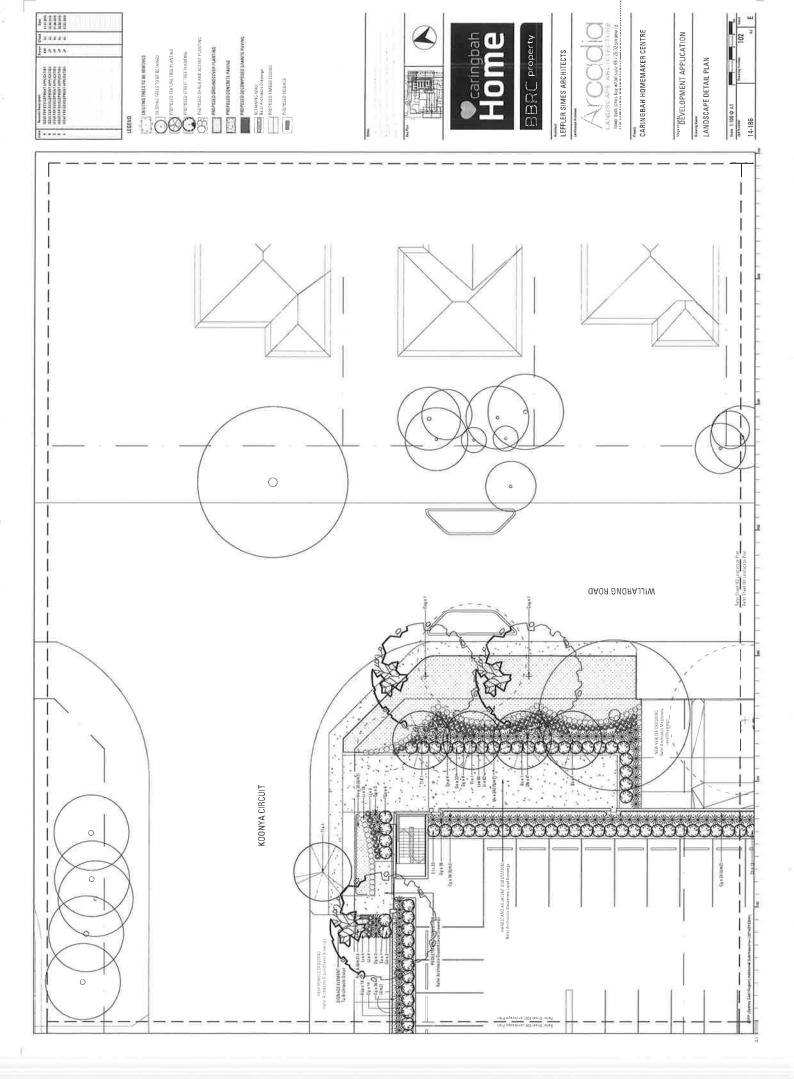
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h.xw)(m)	PROPOSED POT SIZE	QUANTITY
	TOPECO O DALBAC				
	I HEES & PALMS				
Ab	Angophora bakeri	Narrow Leaf Apple	6 x 4	1001	4
Ac	Angophora costata	Smooth-Barked Apple	20 × 10	4001	2
Bs	Banksia serrata	Old Man Banksia	10 x 5	100L	9
Cog	Corymbia gummifera	Red Bloodwood	15 x 10	1001	2
Ea	Eucalyptus amplifolia	Cabbage Gum	20 × 10	2001	S)
Ep	Eucalyptus punctata	Grey Gum	20 x 8	Z00L	2
ш	Eucalyptus racemosa	Narrow Leaved Scribbly Gum	20 × 10	Z00L	2
F	Tristaniopsis laurina	Water Gum	10 x 5	400L	80
F	Tristaniopsis laurina	Water Gum	10 x 5	100L	14
	CHOI DE S. ACCENTO				
į.	STINGES & ACCURAGE	Occurs America	672	136	12
An	Angopnora nispida	Scrub Apple	/ X 2	707	7 -
Bo	Banksia oblongifolia	Dwarf Banksia	3×2	25L	3/
Bsp	Banksia spinulosa	Hairpin Banksia	3×2	25L	23
Cgu	Ceratopetalum gummiferum	Christmas Bush	5×3	25L	16
De	Doryanthes excelsa	Gymea Lily	3 x 1.5	25L	52
۵	Dodonaea triquetra	Hop Bush	2×1	25L	212
Eb	Eriosteman buxifolius	Wax Flower	0.3 × 0.3	25L	492
Go	Grevillea oleoides	Red Spider Hower	2 x 1	25L	132
eg	Grevillea sericea	Pink Spider Flower	1.5 x 1	25L	09
Hs	Hakea sericea	Needlebush	5×3	72FL	10
Kc	Kunzea capitata	Pink Kunzea	1.5 x 1	25L	154
Ps	Phebalium squamulosum	Phebalium	1.5×1	25L	72
ΝM	Westringia wynyabbie	Coastal Rosemary	1.5 x 1.5	25L	17
	GRASSES & RUSHES				
ō	Dietes grandiflora	Native Iris	1.5 x 1	140mm	509
	Liriope isabella	Lilyturf	0.4 × 0.4	140mm	209
=	Lomandra Tanika	Mat Rush	9.0 × 9.0	140mm	164
	GROUNDCOVERS & CLIMBERS				
Cg	Carpobrotus glaucescens	Pig Face	0.25 x spreading	140mm	510
В	Dampiera diversifolia	Dampiera	0.4 x 0.2	140mm	96
<b>≟</b>	Hardenbergia violacea (prostrate)	False Sarsaparilla	0,25 x spreading	140mm	3250
_					



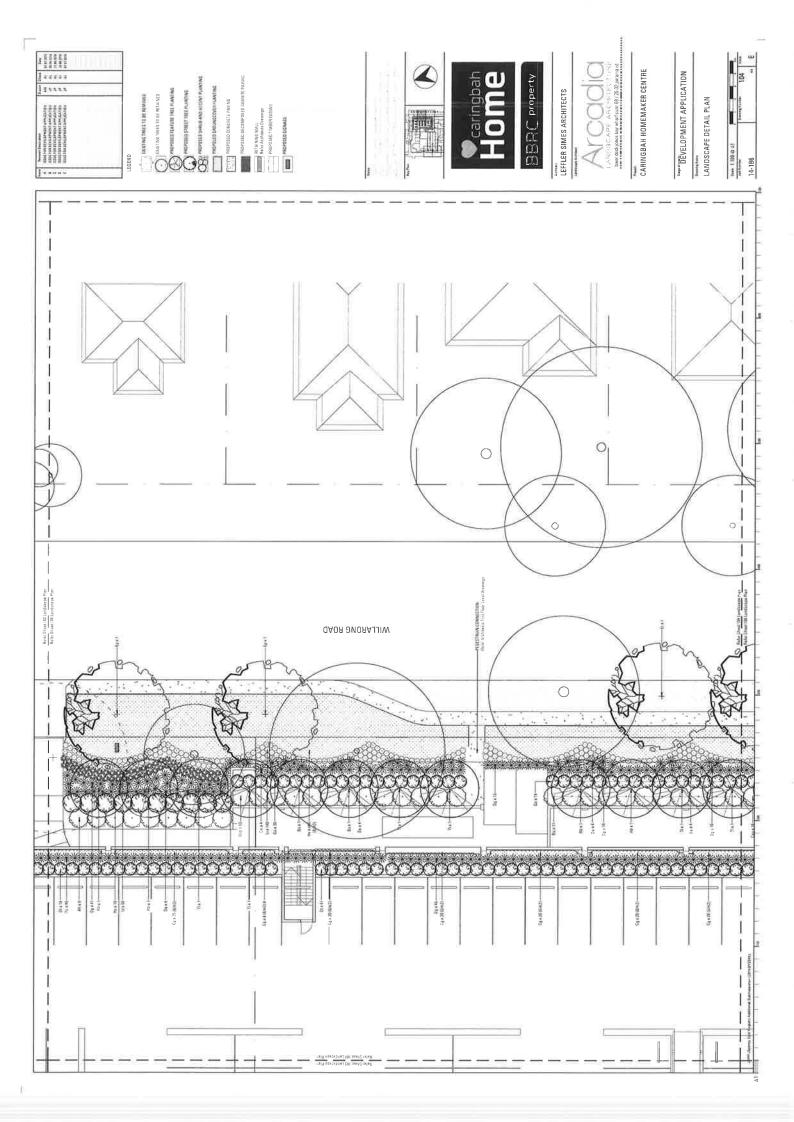
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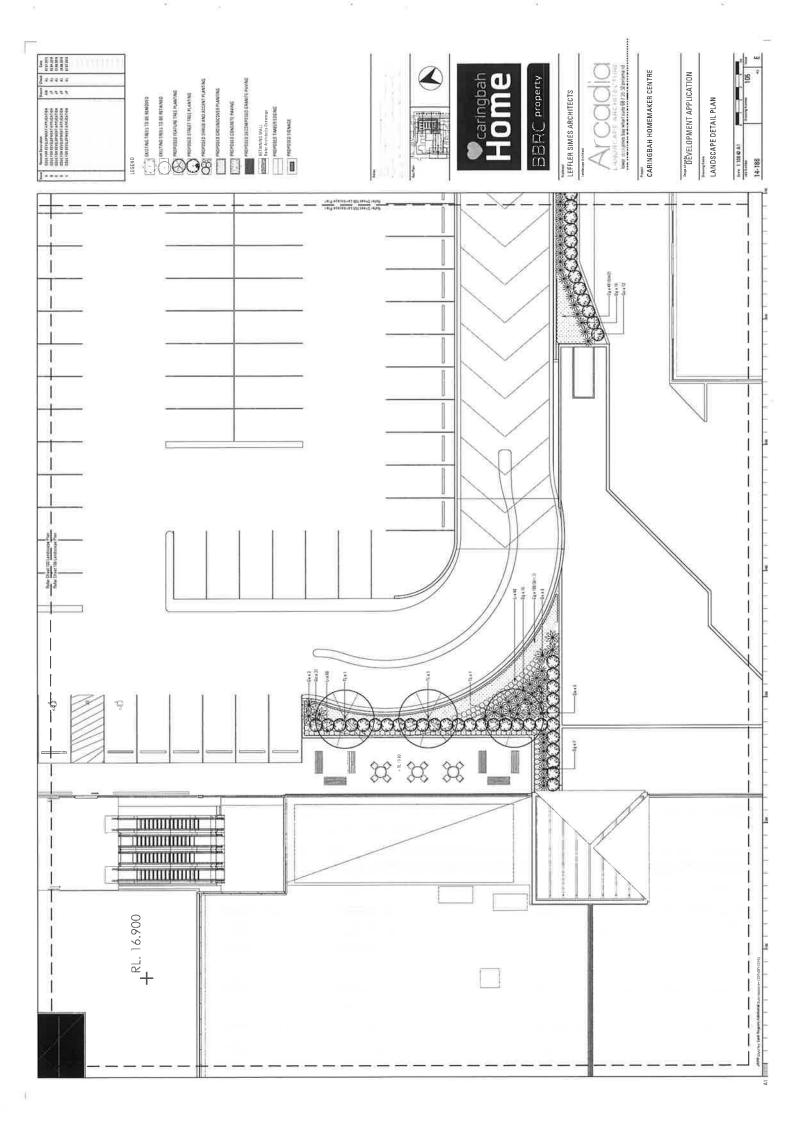


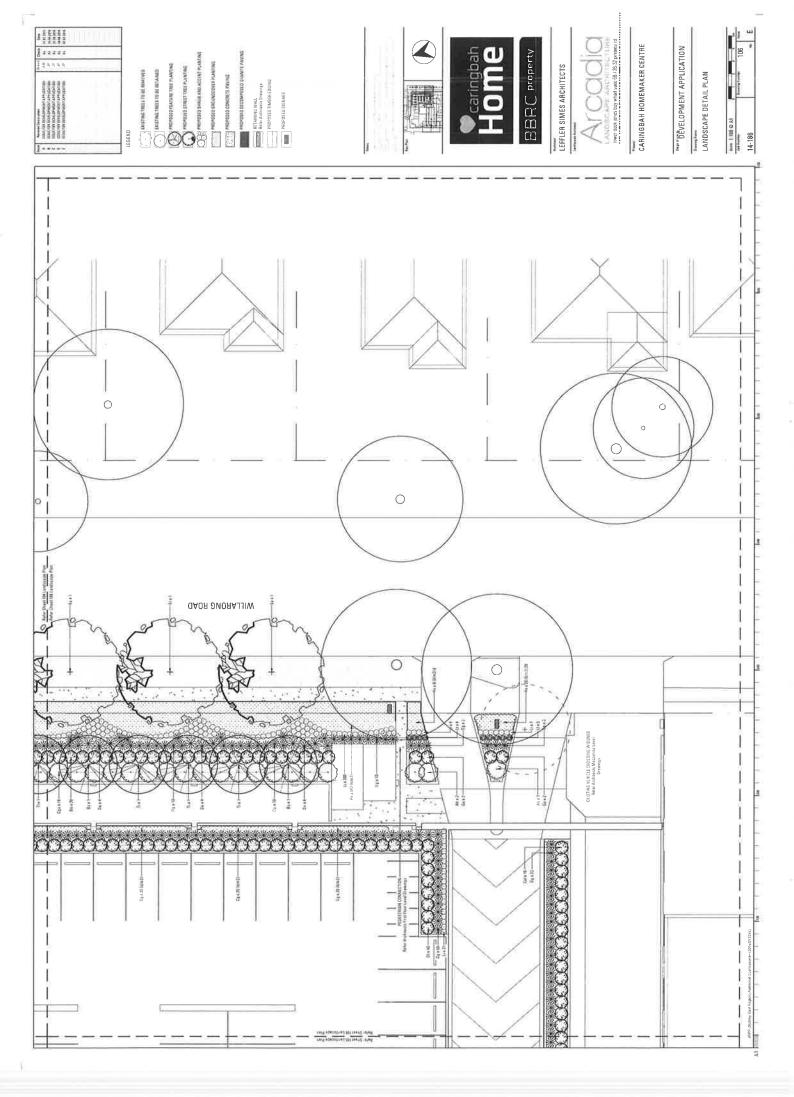


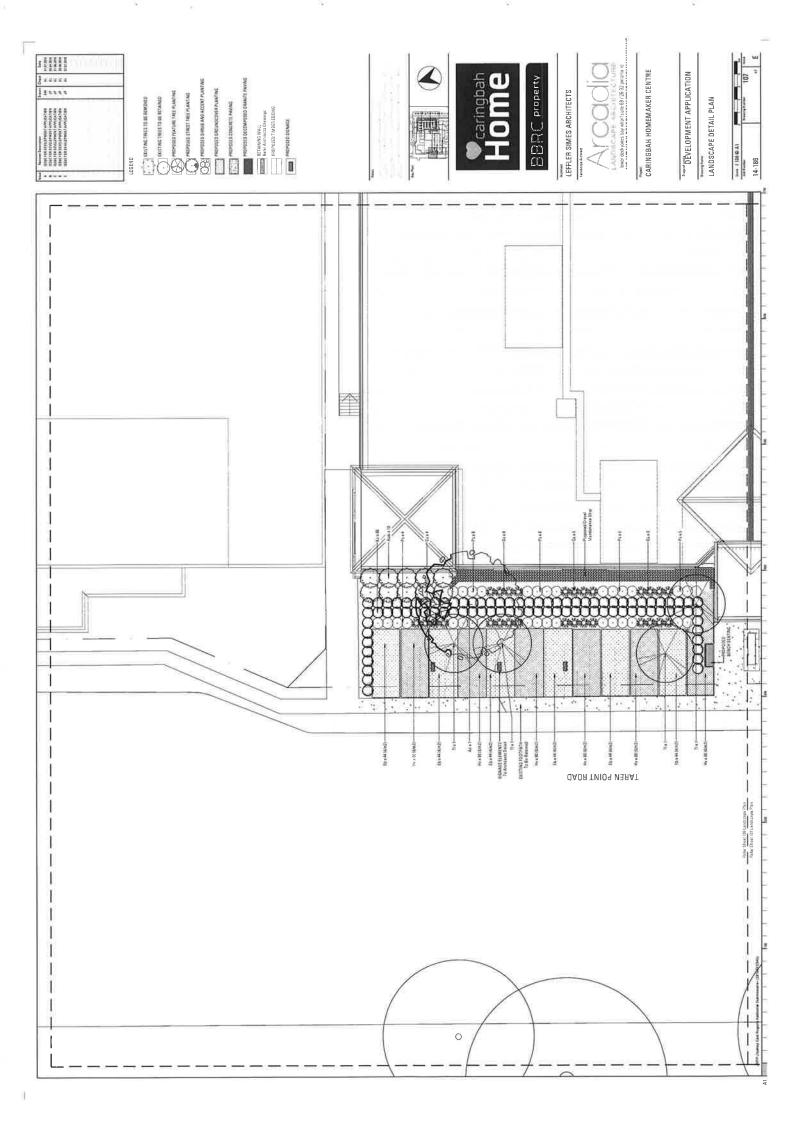


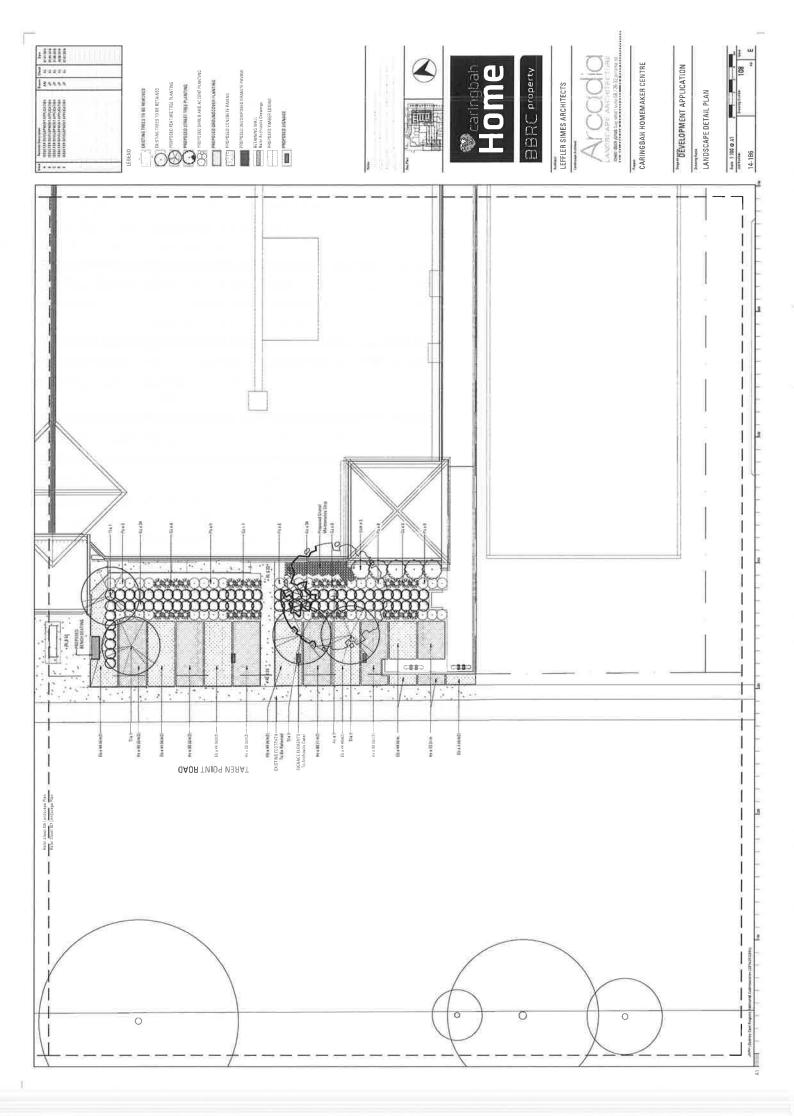
CARINGBAH HOMEMAKER CENTRE BBRC property ""DEVELOPMENT APPLICATION LEFFLER SIMES ARCHITECTS LANDSCAPE DETAIL PLAN Sale Shee (8) Landscope Pur-Sque Sheet (8) Landscope Pue

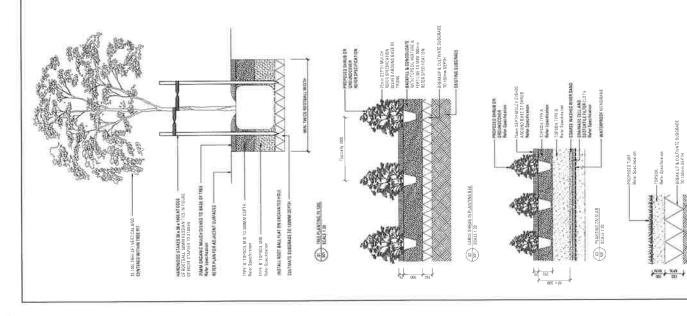












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## LANDSCAPE MAINTENANCE PROGRAM

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FEST AND DISCASED CONTROL FIFE LANGESCE COTANCING SASALL PSPAR JAGANST MSECT AND FUNDLS MTESTATION WITH ALL SPRAYING TO BE CARREL TO IN ACCOGNACE, WITH THE A AMUNICATIONERS DIRECTIONS REPORT ALL INSTANCES OF PESTS AND DISEASES IMMEDIATED THAT THEY ARE DETECTED TO THE LANDSCAVE ARCHITECT

## ALL MULCHES GRIPPACES. ALL MULCHES SURFACES KIALL BE MAINTAINED IN A CLEAN AND TIDY CONDITION AND BE REINSTATED IS NECESSARY TO ENSURE THAT A DETHY OF THAINS IS MAINTAINED. BY SUBJECT WILLS IS SEEP CEEN OF PANT STEMS AT ALL TIMES.

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DOIL SUBSIDENCE RANY TOUR USBOERGEGE OR EGOSION WHICH MAY OCCUR AFTER THE SOIL FILING AND PREPARTION OFERATIONS SHALL BE WANE BODD BY THE LANDSCARF CONTRAKTOR AT NIC COSTTO THE CLIENT





## LEFFLER SIMES ARCHITECTS

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