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Contact: Bonnie Yue

Ref: MOD0070/21

27 August 2021

Bunnings Group Ltd
49 Bellevue Street
CHATSWOOD WEST NSW 2067

Dear Sir/Madam

NOTICE OF DETERMINATION OF A SECTION 4.55 APPLICATION

BY THE SYDNEY NORTH PLANNING PANEL

Issued under the Environmental Planning and Assessment Act 1979

Application No.: MOD0070/21
Proposed modification: Modification to DA0307/17 proposing mesh security fencing and racking
Property: 950 Pacific Highway & 2 Bridge Street PYMBLE NSW 2073

Pursuant to Clause 122 of the Environmental Planning and Assessment Regulation 2000, you are advised that approval has been granted to the application for modification of the consent to the above Development Application.

Date of determination: 11/08/2021

Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the development consent is now modified as follows:

The following conditions are modified to read as follows:

1. Approved architectural plans and documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp:

Document Title / Reference	Prepared By	Date
Architectural Plans		
DA-A-010 Rev S.34 – Site Plan	Smith & Tzannes	10/12/18
DA-A-011 Rev S.34 - Site Plan Demolition Works	Smith & Tzannes	10/12/18

DA-A-100 Rev S.34 - Carpark Level 2	Smith & Tzannes	10/12/18
DA-A-101 Rev S.34 - Carpark Level 1	Smith & Tzannes	10/12/18
DA-A-102 Rev S.34 - Warehouse Level 0	Smith & Tzannes	10/12/18
DA-A-103 Rev S.34 - Warehouse Level 1	Smith & Tzannes	10/12/18
DA-A-104 Rev S.34 - Roof Plan	Smith & Tzannes	10/12/18
DA-A-200 Rev S.34 - Pacific Highway and Ryde Rd Elevations	Smith & Tzannes	10/12/18
DA-A-201 Rev S.34 - Sth-West & Bridge St Elevations	Smith & Tzannes	10/12/18
DA-A-202 Rev S.34 - Sections	Smith & Tzannes	10/12/18
DA-A-310 Rev S.34 - Screen Elevations Detail + Colour Scheme	Smith & Tzannes	10/12/18
DA-A-203 Rev B - Elevational Section	Smith & Tzannes	20/03/17
DA-A-311 Rev S.34 - Part Elevation Typical Entrance Screen	Smith & Tzannes	10/12/18
DA-A-801 - Waste Management Plan	Smith & Tzannes	5/12/14
DA-A-810 Rev AF – Tree Management Plan	Smith & Tzannes	16/05/18
DA-A-811 Rev L – Deep Soil Landscape Plan	Smith & Tzannes	10/04/18
DA-A-812 Rev C - Signage Plan	Smith & Tzannes	17/05/18
DA-A-853 Rev B - External Finishes & Precedent	Smith & Tzannes	20/03/17
DA-A-SK002 - Bunnings Sign	Smith & Tzannes	15/10/18
DA-A-SK003 - Section through PV	Smith & Tzannes	15/10/18
Landscape Plans		
2103 LP-00 Rev P - Landscape Site Plan	John Lock & Associates	17/04/18
2103 LP-01 Rev P - Landscape Plan Sheet 1	John Lock & Associates	17/04/18
2103 LP-02.1 Rev E - Hardscape Plans Streetscape Entry	John Lock & Associates	17/04/18
2103 LP-02 Rev P - Landscape Plan Sheet 2	John Lock & Associates	17/04/18
2103 LP-03.1 Rev E - Hardscape Plan Sheet 3	John Lock & Associates	17/04/18
2103 LP-03 Rev P - Landscape Plan Sheet 3	John Lock & Associates	17/04/18
2103 LP-04 Rev L - Landscape Elevations	John Lock & Associates	16/09/16
2103 LP-05 Rev M - Landscape Details	John Lock & Associates	20/03/17
2103 LP-06 Rev D - Hardscape Details	John Lock & Associates	20/03/17
2103 LP-07 Rev D - Hardscape Details	John Lock & Associates	20/03/17

Civil Engineering Plans		
DA100 Rev 05 - Cover Sheet, Drawing Index and General Notes	C & M Consulting	14/09/16
DA200 Rev 11 - General Arrangement Plan - Carpark Level 2 - Sheet 1	C & M Consulting	23/11/18
DA201 Rev 08 - General Arrangement Plan - Carpark Level 2 - Sheet 2	C & M Consulting	23/11/18
DA202 Rev 07 - General Arrangement Plan - Carpark Level 1 - Sheet 1	C & M Consulting	23/11/18
DA203 Rev 08 - General Arrangement Plan - Carpark Level 1 - Sheet 2	C & M Consulting	23/11/18
DA204 Rev 08 - General Arrangement Plan - Warehouse Level 0 - Sheet 1	C & M Consulting	23/11/18
DA205 Rev 07 - General Arrangement Plan - Warehouse Level 0 - Sheet 2	C & M Consulting	23/11/18
DA206 Rev 04 - General Arrangement Plan - Warehouse Level 1 - Sheet 1	C & M Consulting	23/11/18
DA207 Rev 04 - General Arrangement Plan - Warehouse Level 1 - Sheet 2	C & M Consulting	23/11/18
DA231 Rev 07 - Bulk Earthworks Cut / Fill Plan & Quantities	C & M Consulting	23/11/18
DA351 Rev 06 - Site Sections	C & M Consulting	12/04/18
DA501 Rev 07 - General Details - OSD Tank	C & M Consulting	14/09/16
DA631 Rev 06 - Sediment & Erosion Control Plan & Details	C & M Consulting	14/09/16
DA701 Rev 04 - Environmental Site Management Plan Demolition Works - Sediment & Erosion Control Plan & Details	C & M Consulting	14/09/16
DA801 Rev 04 - Environmental Site Management Plan, Demolition Works - Site Vehicle Management Plan	C & M Consulting	14/09/16
Supporting Reports & Studies		
Review of Contaminated Land Issues except:	Easterly Point	22 December 2014
as amended and updated by Additional Environmental Site Assessment and Remedial Action Plan	Environmental Investigation Services	26 November 2018
Preliminary Construction Management Plan for Proposed Demolition Works	n/a	Undated
Waste Management Plan Demolition Proposal Rev A	Moits	17.12.14
Waste Management Plan	Bunnings	Undated
Stormwater Management Plan Ref R01112-SMP Rev E	C&M Consulting	September 2016
Arboricultural Assessment & Development Impact Report - RTC-8117	RainTree Consulting	24 July 2017

Arboricultural Addendum Report	RainTree Consulting	17 May 2018
Vegetation Management Plan Ref 13005RP6 Rev 6	Cumberland Ecology	20/09/16
Sustainability Report Rev D	Smith & Tzannes	23/03/17
Heritage Interpretation Plan	Freeman Ryan Design	9 November 2017
Archival Photographic Recording	Nathanael Hughes, DFP Planning and Paul Davies Pty Ltd	May - July 2017
Measured drawings	Drawings A1 - A10 (inclusive) Issue A	June 2017
Building Code of Australia – cover letter	Norman Disney & Young	23 November 2018

Except where amended by that work shown in colour on the S.4.55 plans endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.55 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
DA-A-103, Rev A (Warehouse Level 1)	Michael Carr Architect	01.03.21
DA-A-200, Rev B (Pacific Hwy and Ryde Rd Elevations)	Michael Carr Architect	01.03.21
SK-17A, Revision C (Sketch Sections)	Michael Carr Architect	01.03.21

Reason: To ensure that the development is in accordance with the Development Consent.

27. Design, Materials and Colours

A project architect shall be appointed to prepare the Construction Certificate plans and ensure no change is made to the approved external design, materials and colours.

Prior to the issue of any Construction Certificate the project architect shall certify that the external design, materials and colours shown on the Construction Certificate plans are consistent with the approved plans and conditions of this Development Consent.

The Construction Certificate plans shall also include the following amendments and clarifications:

- The soffit lining on the finishes schedule is to be timber panel soffit cladding, similar or equivalent to Trespa Pacific Board façade system;
- The coloured louvres shall be varied (to represent the degree of colour gradation and variation per colonnade panel) as shown in the precedent image included on the materials board approved under condition 1 of this consent, to ensure the louvre system presents as an 'artwork' and not as a way of representing the Bunnings colour scheme or signage;

- The external walls of the main warehouse 'box' shall be clad in a metallic silver panel system as indicated in the drawing DA-A-853 Rev B – External Finishes & Precedent dated 20/3/2017 (other than the south eastern and western corner where the feature angled cladding is shown in plan and elevation);
- The walls to the base of the louvre screen colonnade shall be clad in split face Gosford sandstone cladding to match the other low landscape walls elsewhere in the approved development;
- The nursery area shall have no pallet racking above the level of the glass louvre screen to the colonnade and the space behind and between each set of angled concrete columns will be kept free of racking to allow good light transmission through those spaces.
- The wall behind the louvre screen to the bagged goods area shall not exceed 2m in height from the floor of the bagged goods area. Any racking in this location (including the product on the pallets and racks) shall not exceed the height of the louvre screen to the colonnade.
- Any material used for the roofing of the approved development is to be consistent throughout as it is visible from the public domain and any solar panels are to be integrated into the roof system; and

Reason: To ensure that the approved design, materials and colours satisfy the approved building's 'landmark' status as required under the DCP.

120. Storage in outdoor areas

The nursery area shall have no pallet racking above the level of the glass louvre screen to the colonnade and the space behind and between each set of angled concrete columns will be kept free of racking to allow good light transmission through those spaces.

The wall behind the louvre screen to the bagged goods area shall not exceed 2m in height from the floor of the bagged goods area and any racking, including the product on the pallets and racks, in this location shall not to exceed the height of the louvre screen to the colonnade.

Reason: To ensure the visual amenity of the Pacific Highway frontage is maintained.

Reasons for conditions

To safeguard the amenity of the locality.

Those conditions attached to the original consent for the above Development Application No.DA0307/17, that are unaffected by the modifications listed in the above notice, still apply.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within twelve (12) months of the date on which you receive this Notice.

Right of review

If you are dissatisfied with this decision, Section 8.2 (1)(b) of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination. An application for a review must be made no later than 28 days after the date on which the application for the modification of the development consent was determined. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review in respect of designated development and crown development.

Advisory Notes

- a) Council is always prepared to discuss decisions, and in this regard please do not hesitate to contact Bonnie Yue on telephone **9424 0000**.
- b) Changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of use may require the submission of a modification application under Section 4.55 of the Environmental Planning & Assessment Act 1979. Any proposed modification to the development consent must result in a development that is substantially the same development as that which was originally approved.
- c) Your attention is drawn to the necessity to:

Obtain a **Construction Certificate** under Section 6.4 (a) of the Environmental Planning and Assessment Act 1979 in respect of the modifications approved pursuant to Section 4.55 of the Act.

An application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited certifier.

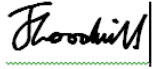
All building work must be carried out fully in accordance with the conditions of the development consent and it is an offence to carry out unauthorised building work that is not in accordance with the development consent.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000, respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.

A Section 4.55 application is required to be submitted to and approved by Council, prior to commencement of any variations from the approved plans and conditions of consent.

A handwritten signature in black ink, appearing to read 'J. Mackay', is positioned above a horizontal line. The signature is written in a cursive style.

Signature on behalf of consent authority
Team Leader
Development Assessment

cc: Potpura Pty Ltd (owner)
cc: Kendal Mackay – Director DFP Planning Pty Ltd
cc: Michael Mahrous – Bunnings Group Limited