

Our Reference:
Contact:
Phone:

2016/501/3
Miss S Pritchard
02 8757 9959

TBA

Tubb & Associates Pty Ltd
22 The High Road
BLAXLAND NSW 2774

Dear Sir/Madam

Premises: 7 Dursley Road & 63 Pine Road Yennora
Section 4.55(2) modification to development consent no. 2016/501
Modification no. 2016/501/3

I refer to your application lodged on 14 September 2018 seeking amendment to Development Consent 2016/501/1 issued for construction of a new warehouse and ancillary offices and use as a warehouse and distribution facility to operate 24 hours a day, 7 days a week. The subject section 4.55 (2) modification application seeks consent for modifications to the configuration of warehouse 1 to create 2 separate tenancies; changes to the parking and loading bay location, additional driveways for truck access and business identification signage.

Pursuant to section 4.55(2) of the Environmental Planning & Assessment Act 1979, Council grants approval for the modifications sought.

Accordingly, Development Consent 2016/501/1 is amended as follows:-

Condition 2 is amended to read as follows:

2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:

Architectural Plans (Reference No. 115104_A)

Drawing No.	Title	Issue	Date	Prepared by
DA1_0002	Site Plan	F	22/03/2017	Reid Campbell
DA1_1000	Warehouse– Ground Floor Plan	D	22/03/2017	Reid Campbell
DA1_1110	Office – Floor Plans	C	22/03/2017	Reid Campbell
DA1_0001	Location Plan	B	11/10/2016	Reid Campbell
DA1_1001	Roof Plan	B	11/10/2016	Reid Campbell
DA1_2000	Warehouse – Elevations	B	11/10/2016	Reid Campbell
DA1_2100	Office Elevations	B	11/10/2016	Reid Campbell
DA1_3000	Sections	B	11/10/2016	Reid Campbell
DA1_5000	External Finishes	B	11/10/2016	Reid Campbell

Engineering Plans (Reference No. 80216088-CI)

Drawing No.	Title	Issue	Date	Prepared by
2001	Cover	1	4/11/2016	Cardno
2011	General Notes and Legends	1	4/11/2016	
2031	General Arrangement Plan	1	4/11/2016	Cardno
2051	Erosion and Sedimentation Control Plan	1	4/11/2016	Cardno
2055	Erosion and Sedimentation Control Detail Sheet	1	4/11/2016	Cardno
2301	Site Works & Grading Plan Sheet 1	1	4/11/2016	Cardno
2302	Site Works & Grading Plan Sheet 2	1	4/11/2016	Cardno
2303	Site Works & Grading Plan Sheet 3	1	4/11/2016	Cardno
2304	Site Works & Grading Plan Sheet 4	1	4/11/2016	Cardno
2305	Site Works & Grading Plan Sheet 5	1	4/11/2016	Cardno
2306	Site Works & Grading Plan Sheet 6	1	4/11/2016	Cardno
2351	Site Sections A, B, C & D	1	4/11/2016	Cardno
2352	Site Sections E, F & G	1	4/11/2016	Cardno
2401	Siteworks and On-Site Detention Basin Details	1	4/11/2016	Cardno
2411	On-site Detention Basin Sections 1 & 2	1	4/11/2016	Cardno
2501	Catchment Plan	1	4/11/2016	Cardno
2601	Pavement Plan	1	4/11/2016	Cardno
Council OSD No. 2017-090				

Landscape Plans (Reference No. 1551)

Drawing No.	Title	Issue	Date	Prepared by
L-01	Landscape Plan	D	24/4/2017	Site Design and Studios
L-02	Landscape Plan	D	24/4/2017	Site Design and Studios

Documentation

- Site Audit Report prepared by Australian Environmental Auditors, Reference No. DA0432, Version: Final, dated 9 June 2016;
- Site Audit Report prepared by Australian Environmental Auditors, SAS No. DA0432, Version: Final, dated 9 June 2016;
- Environmental Management Plan prepared by Environmental Resources Management Australia, Reference No. 0308462EMPV01_Final, dated June 2016;
- Acoustic Assessment prepared by Acoustic Logic, Reference No. 20161434.1/1011A/R1JL, Revision 1, dated 10 November 2016;
- Stormwater Management Strategy Report prepared by Cardno, Reference No. 80216088-17-0135, Version A, dated 10 November 2016; and
- Correspondence prepared by Endeavour Energy dated 4 May 2017 and all conditions contained therein.

As amended by the following plans approved for modification application 2016/501/2 dated 17 July 2018:

Architectural Plans (Reference No. 115104_A)

Drawing No.	Title	Issue	Date	Prepared by
S96_0002	Site Plan	H	29/05/2018	Reid Campbell
S96_1000	Warehouse 1 – Ground Floor Plan	F	29/05/2018	Reid Campbell
S96_1001	Warehouse 1 – Roof Plan	C	14/02/2018	Reid Campbell
S96_1110	Office 1A – Floor Plans	C	15/02/2018	Reid Campbell
S96_1200	Office 1B & 1C	B	13/12/2017	
S96_2000	Warehouse 1 – Elevations and External Finishes	D	29/05/2018	Reid Campbell
S96_2100	Office 1A - Elevations	D	29/05/2018	Reid Campbell
S96_3000	Sections	C	15/02/2018	Reid Campbell

Engineering Plans (Job No. 17260):

Drawing No.	Title	Rev.	Date	Prepared by
S96-1.01	Civil Design – Cover Sheet, Locality Plan & Drawing Schedule	2	4/11/2016	Sparks Partners +
S96-2.01	Civil Design – Concept Erosion & Sediment Control Plan	2	4/11/2016	Sparks Partners +
S96-4.01	Civil Design – Proposed Stormwater Management Plan Sheet 1	3	4/11/2016	Sparks Partners +
S96-4.02	Civil Design – Proposed Stormwater Management Plan Sheet 2	3	4/11/2016	Sparks Partners +
S96-4.03	Civil Design – Proposed Stormwater Management Plan Sheet 3	2	4/11/2016	Sparks Partners +
S96-4.05	Civil Design – Proposed Stormwater Catchment Plan	2	4/11/2016	Sparks Partners +
S96-4.11	Civil Design – Stormwater Drainage Design	2	4/11/2016	Sparks Partners +
S96-4.12	Civil Design – OSD Sections & Details Sheet 1	2	4/11/2016	Sparks Partners +
S96-4.13	Civil Design – OSD Sections & Details Sheet 2	2	4/11/2016	Sparks Partners +
Council OSD No. 2017-090				

Landscape Plans (Reference No. 1551):

Drawing No.	Title	Issue	Date	Prepared by
L-01	Landscape Plan	F	01/06/2018	SiteDesign + Studios
L-02	Landscape Plan	F	01/06/2018	SiteDesign + Studios

As amended by the following plans approved by the subject section 4.55(2) modification application 2016/501/3:

Architectural Plans prepared by Reid Campbell

Drawing No.	Title	Issue	Date
115104_A_S96_0002	Site Plan	X	17/01/2019
115104_A_S96_1000	Warehouse 1 – Ground Floor Plan	R	17/01/2019
115104_A_S96_1001	Warehouse 1 – Roof Plan	J	28/08/2018
115104_A_S96_1100	Office 1 Plans	H	28/08/2018
115104_A_S96_1110	Office 2 – Floor Plans	H	28/08/2018
115104_A_S96_2000	Warehouse 1 – Elevations and External Finishes	L	10/01/2019
115104_A_S96_2100	Office 2 - Elevations	J	28/08/2018
115104_A_S96_3000	Sections	J	28/08/2018
118112_A4020	Sprinkler Tank Screen	B	08/01/2019
115004_MP_001	Master Plan	F	18/12/2018

Engineering Plans prepared by Sparks + Partners (Job No. 17260): **Council OSD Plan No. 2018-226**

Drawing No.	Title	Rev.	Date
S4.55-1.01	Civil Design – Cover Sheet, Locality Plan & Drawing Schedule	2	05/09/2018
S4.55-2.01	Civil Design – Concept Erosion & Sediment Control Plan	2	21/01/2019
S4.55-2.02	Civil Design – Concept Erosion & Sediment Control Details	1	05/09/2018
S4.55-4.01	Civil Design – Proposed Stormwater Management Plan Sheet 1	3	05/09/2018
S4.55-4.02	Civil Design – Proposed Stormwater Management Plan Sheet 2	4	21/01/2019
S4.55-4.03	Civil Design – Proposed Stormwater Management Plan Sheet 3	4	21/01/2019
S4.55-4.04	Civil Design – Concept Stormwater Management Plan Sheet 4	3	21/01/2019
S4.55-4.05	Civil Design – Concept Stormwater Catchment Plan	3	21/01/2019
S4.55-4.11	Civil Design – Concept Stormwater Management Details Sheet 1	3	21/01/2019
S4.55-4.12	Civil Design – Concept Stormwater Management Details Sheet 2	4	21/01/2019
S4.55-4.13	Civil Design – Concept Stormwater Management Details Sheet 3	4	21/01/2019
S4.55-5.11	Civil Design – Typical Site Sections Sheet 1	1	05/09/2018

Landscape Plans (Project No. 1711):

Drawing No.	Title	Issue	Date	Prepared by
L01	Legend, Schedule & Softworks	B	16/01/2019	Eximia Design

	Notes			
L02	Site Plan and Sheet Layout	B	16/01/2019	Eximia Design
L03	Softworks Plan	B	16/01/2019	Eximia Design
L04	Softworks Plan	B	16/01/2019	Eximia Design
L05	Softworks Plan	B	16/01/2019	Eximia Design
L06	Softworks Plan	B	16/01/2019	Eximia Design
L07	Softworks Plan	B	16/01/2019	Eximia Design
L08	Softworks Plan	B	16/01/2019	Eximia Design
L09	Softworks Plan	B	16/01/2019	Eximia Design
L10	Softworks Plan	B	16/01/2019	Eximia Design
L11	Softworks Plan	B	16/01/2019	Eximia Design
L12	Softworks Plan	B	16/01/2019	Eximia Design
L13	Softworks Plan	B	16/01/2019	Eximia Design

Documentation

- Water Sensitive Urban Design Management Report prepared by Sparks and Partners Consulting Engineers, Reference No. 17260-S4.55, Revision 4, dated 21 January 2019;
- BCA Assessment Report prepared by Concise Certification, Reference No. 170414, Revision 02, dated 11 September 2018; and
- S.96 Traffic and Parking Assessment Report prepared by Varga Traffic Planning, Reference 17776, 11 September 2018.

- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 9 is amended to read as follows:

9. This approval is for the construction of a new warehouse building with ancillary offices and business identification signage, and use as two (2) separate warehouse and distribution facilities, operating 24 hours, 7 days per week, in accordance with the endorsed plans.

The following conditions are added:

- 30A. Prior to the issue of a construction certificate, the landscape plans are to be amended for consistency with the architectural and stormwater plans, and submitted to the certifying authority for approval. The following matters are to be addressed in the updated landscape plans:
- i. 5 x *Tristanopsis laurina* 'luscious' to be provided within the footpath area to Pine Road, to avoid existing services and the proposed vehicular access point.

- ii. The landscape plans are to denote a variety of plant container sizes, ranging from tube stock to 200 mm containers for new plantings within the site, and provide adequate plant numbers to ensure an immediate natural look to the completed landscape works.

Signage

- 30B. The following signs are approved as part of this application:
 - 1 x 3 m high pylon sign within the Dursley Road frontage
 - 1 x 3 m high pylon sign within the Pine Road frontage
 - 1 x wall sign on the southern elevation of the Office 2 building
 - 1 x (800 mm x 500 mm) wall sign on the eastern edge of the northern elevation of Warehouse 1B
 - 1 x (800 x 500 mm) wall sign on the western end of the northern elevation of Warehouse 1A
 - 1 x (800 mm x 500 mm) wall sign on the northern end of the eastern elevation of Warehouse 1B.
- 30C. The content of the proposed signage is to be limited to business identification of the warehouse tenants only. The wall signs are to be flat mounted to the building, extending not more than 300 mm from the face of the wall. No external illumination of the signage is permitted. Any internal illumination is to comply with AS 4282 – Control of the obtrusive effects of outdoor lighting.

Condition 37 is amended to read as follows:

37. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2018-226 and Council's on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
 - i. The existing RC pipe will be used for discharging the site stormwater to existing headwall shall be clearly and accurately located and shown on the engineering plans. The size and condition of the pipe shall be checked and confirmed by a qualified civil engineer.
Note: No stormwater/civil works are permitted within the E2 zoned part of the site.
 - ii. Overflow/Emergency surcharge route/path from the OSD system shall be indicated on the engineering plans to ensure no backflow to the building (i.e., basement).
 - iii. The existing/proposed drainage easement boundary shall be clearly and accurately shown on the engineering and architectural drawings. No building/structure (including gutter, roof eaves, retaining wall, stormwater works for the development) to encroach upon Council's drainage easement.

- iv. A confined space danger sign shall be provided at all access points to the underground storage tank in accordance with the UPRCT OSD handbook.
- v. The access covers over the belowground OSD tank shall be grated, hinged with safety lock.
- vi. An access cover shall be provided over the outlet pipe from the OSD tank storage.
- vii. 5mm thick orifice plate shall be provided where the orifice exceeds 150mm as per UPRCT.
- viii. Any amendments in RED on the approved plans.

The following conditions are added:

Pump Systems

- 37A. Two (2) submersible type pump units shall be installed. The capacity of each pump being calculated to allow for subsoil drainage and any water falling on access points to the basement car park. Stormwater run-off to the sump and pump system shall be calculated for a 1% AEP 5min duration storm event.
- 37B. Fully detailed design drawings and calculations shall be prepared by a practising Civil Engineer for the basement pump-out system. Design and construction of pump-out system shall be in accordance with Council's standards and specifications. (See section 7.9 of Council's OSD policy).

Condition 38 is amended to read as follows:

- 38. The development site has been identified as a flood affected site in the 1% AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
 - i. Demonstrate compliance with Water Sensitive Urban Design Management Report prepared by Sparks and Partners Consulting Engineers, Revision 4, dated 21 January 2019 – in terms of Flooding, Freeboard, Overland Flow.

Condition 39 is amended to read as follows:

- 39. The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Holroyd DCP 2013 Part A section 7.5 shall be submitted to the certifying authority prior to the issue of a Construction Certificate and the following shall also be addressed: -.

- i. Demonstrate compliance with Water Sensitive Urban Design Management Report prepared by Sparks and Partners Consulting Engineers, Revision 4, dated 21.01.2019 – in terms of Stormwater Quality.

Condition 40 is amended to read as follows:

40. The proposed vehicular crossings shall be shown perpendicular to the street frontage. Boundary alignment levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department to obtain the boundary line levels prior to issue of construction certificate.

The following conditions are added:

Swept Path Analysis

- 40C. Swept path analysis for B-double (26 m) left turn into the proposed truck entrances from Dursley Road shall be provided to the satisfaction of Council's Manager of Engineering and Traffic prior to issue of Construction Certificate. The swept path is to demonstrate that a truck can access the site from the east without impacting on oncoming traffic or vehicles parked on the southern side of Dursley Road.

Tree Planting

- 99A. 5 x *Tristania laurina* 'luscious' are to be planted in the footpath area of Pine Road. The trees are to come from minimum 45 litre containers and be planted, so as not to affect existing services, in accordance with the attached guideline.
- 103A. The proposed vehicular crossings on Dursley Road are to be a minimum of 1 m clear of any existing power pole. If the relocation of any power pole is required to achieve the minimum clearance, written confirmation is to be provided to Council, from the relevant authority, agreeing to the relocation of their asset. The relocation of any power pole is to be carried out at no cost to Council.

Condition 107 is amended to read as follows:

107. A copy of the as approved stormwater drainage, On Site Detention, Overland Flowpath and Pollution Control Device Plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

Condition 108 is amended to read as follows:

108. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention, Overland Flowpath and Pollution Control Device shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction on Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents

shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention, Overland Flowpath and Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

Condition 110 is deleted.

Condition 111 is amended to read as follows:

111. A maintenance schedule for the stormwater and *On-site Stormwater Detention/ Overland Flowpath/ Pollution Control Device* system including a sketch plan of the components forming the sites stormwater drainage, On-site Stormwater Detention and Pollution Control Device system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

Condition 114 is amended to read as follows:

114. A full width **heavy duty** vehicular crossing shall be provided opposite each vehicular entrance to the site from Dursley Road and Pine Road, with a width **6.0** metres of vehicular crossing at the boundary line on Pine Road. A maximum width **11.0** metres of vehicular crossings at the boundary line with a maximum of **2.0** metres splays for entering and a maximum width **12.0** metres of vehicular crossing at the boundary line with a maximum of **2.0** metres splays for exiting. A width **5.0** metre of vehicular crossing at the boundary line for office car parking on Dursley Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

Condition 135 is amended to read as follows:

135. At least 132 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for resident and visitors vehicles only in conjunction with the occupation of the building/premises.

The following condition is added:

- 137A. Both warehouses are to be operated in such a way as to ensure that there is always sufficient space and manoeuvring area on site to allow for a heavy vehicle to enter the site and be fully accommodated therein before being required to stop. At no time are heavy vehicles associated with the subject development to queue on the road.

Condition 141 is deleted.

All other conditions of Development Consent 2016/501/1 and as amended remain unchanged.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.55(2) a right of appeal to the Land and Environment Court.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of a section 4.55(2) application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

If you have any further enquiries please contact Miss S Pritchard of Council's Environment & Infrastructure Division on 02 8757 9959, Monday to Friday.

Yours faithfully,

Sohail Faridy

COORDINATOR DEVELOPMENT ASSESSMENT