

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.16)

Urbis Pty Ltd
Tower 2, Level 23, Darling Park
201 Sussex Street
SYDNEY NSW 2000

Determination Number:
DA-18-00883

Property Description: Lot 1 DP 866251 H/N 65 Huntingwood Drive HUNTINGWOOD

Development: The partial demolition and extension of the existing warehouse along the southern boundary, construction of a high bay warehouse to be used for ancillary storage, upgrade of existing loading docks, construction of a small shed, landscaping and associated site works

Determination: *Pursuant to Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY DELEGATED AUTHORITY – DIRECTOR DESIGN AND DEVELOPMENT

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
Chief Executive Officer

Per 

Date 24 December 2018

1 ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

1.2.1 Separate development consent may be required from Council prior to the use of each individual unit/the approved building(s). The applicant is advised to contact Council's Development Services Unit in this regard.

1.2.2 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

1.3 Other Approvals

1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
- (b) any fence, retaining wall, land excavation or filling, business identification signs, advertising structure or other development not approved by this development application.

1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

1.4 Services


1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited

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GENERAL MANAGER

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- (b) Energy Provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine 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. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Underground assets may exist in the area that is subject to your application. In the interests of health, 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). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. 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.
- 1.4.5 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect

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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

1.5 Demolition

1.5.1 Where any work on an older building is proposed, the applicant should ascertain whether the building contains any contaminants that may present a potential health risk to humans (including asbestos, lead-based paint and the like) and apply appropriate precautions during the work. Further information regarding safe working methods may be obtained from the following organisations and publications (including those which may supersede such publications):

- a. NSW WorkCover Authority (Ph: 13 10 50) – "Short Guide to Working with Asbestos",
- b. NSW Department of Environment and Conservation (Ph: 9995-5000) – "A Guide to Keep Your Family Safe from Lead", "A Renovators Guide to the Dangers of Lead",
- c. "Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (1988),
- d. Australian Standard 4361.1-1995 – Guide to Lead Paint Management (Industrial Applications),
- e. Australian Standard 4361.2-1998 – Guide to Lead Paint Management (Residential and Commercial Applications), and
- f. Australian Standard 2601-2001 – The Demolition of Structures.

1.6 Engineering Notes

1.6.1 Any Construction Certificate covering Engineering Works must include and address the following:

- Design of specified Engineering Works as required by this consent.
- Any ancillary works necessary to make the construction effective

If both Building and Engineering works are required, separate construction certificates can be issued for the following works:

- Construction Certificate for Building Works
- Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent)


Works which require approval under the *Roads Act 1993* or *Local Government Act 1993* CAN NOT be privately certified. Examples of these works are, but not limited to:

- Works in public areas (i.e. Road Reserve, Public Reserves)
- Inter-allotment drainage (i.e. drainage outside the boundary of the land being developed)

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Engineering works (as nominated in the 'Prior to Construction Certificate (Engineering)' section of the consent) can be included within a Construction Certificate for Building works, provided that:

- All Engineering Works are specifically mentioned on the Construction Certificate
- The Certifier holds relevant qualifications to issue a Construction Certificate for the Engineering works. Appropriate accreditation qualifications must be shown on Construction Certificate.

1.6.2 All works requiring approval under the *Roads Act 1993* or *Local Government Act 1993* must be approved PRIOR to the issue of any Construction Certificate.

1.7 Payment of Engineering Fees

1.7.1 If the applicant wishes for Council to issue the Construction Certificate for Engineering Works (As nominated in the 'Prior to Construction Certificate (Engineering)') the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person and in accordance with Councils Standards.

1.7.2 If the applicant wishes for Council to undertake Construction inspections and issue a Compliance Certificate for engineering works, the applicant must:

- Complete application form
- Submit all relevant plans produced by a suitably qualified person
- If plans are privately certified, applicant must supply Construction Certificate covering the required works.

2 GENERAL

2.1 Scope of Consent

2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Title sheet & Cover Page 171122—DA-000-A Rev:A	24.05.2018	1A
Site Analysis Plan 171122—DA-001-A Rev:A	24.05.2018	1B

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Site Plan 171122—DA-003-A Rev:A	24.05.2018	1D
Site & Building Plan (Ground) 171122—DA--100-A Rev:A	24.05.2018	1E
Site & Building Plan (Mezzanine) 171122—DA-101-A Rev:A	24.05.2018	1F
Elevations – Sheet 1 171122—DA-200-A Rev:A	24.05.2018	1G
Elevations – Sheet 2 171122—DA-201-A Rev:A	24.05.2018	1H
Elevations – Sheet 3 171122—DA-202-A Rev:A	24.05.2018	1I
Sections – Sheet 1 171122—DA-210-A Rev:A	24.05.2018	1IA
Sections – Sheet 2 171122—DA-211-A Rev:A	24.05.2018	1IB
Landscape Plans		
Cover Sheet Dwg No: 000 Issue D	15.05.2018	1R
Landscape Masterplan Dwg No: 001 Issue D	15.05.2018	1S
Landscape Plan Sheet 1 Dwg No. 101 Issue D	15.05.2018	1T
Landscape Plan Sheet 2 Dwg No. 102 Issue D	15.05.2018	1U
Landscape details Dwg No: 501 Issue D	15.05.2018	1V

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2.1.2 This consent authorises the:

- Partial demolition and extension of existing warehouse along the southern boundary
- Construction of a 50m high bay warehouse to be used for ancillary storage
- Construction of a new perimeter access road to allow for access to existing car parking facilities
- Upgrade of existing loading docks
- Construction of a small shed to accommodate two heritage Arnott's trucks
- Landscaping and associated site works

2.2 Services

2.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

2.3 Suburb Name

2.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: Huntingwood

2.3.2 Any advertising of land sales in association with the approved development shall clearly indicate that the development is located in the following suburb. No other estate names shall be used in any advertisements or other promotional information:

Suburb: Huntingwood

2.4 Endeavour Energy

2.4.1 Endeavour Energy provided comments on 14 September 2018 which have been provided at Annexure A.

2.5 Other Matters

2.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.

2.5.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves nor on drainage zoned land.

2.5.3 No signage is approved as part of this development application. Any signage proposed shall be the subject of a separate development application, except where signage permitted is pursuant to State Environmental Planning Policy (Exempt and

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Complying Development Codes) 2008.

- 2.5.4 The storage of dangerous goods is not approved as part of this development application. Any storage of dangerous goods within the approved development or the subject site shall be the subject of a separate development application.

2.6 Engineering Matters

2.6.1 Design and Works Specification

- 2.6.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements MUST be submitted to Council with any application for Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

- 2.6.1.2 Written notice must be provided to adjacent properties, at least 5 days prior to works commencing, where works are approved by this consent and located within Council controlled lands (i.e. Roads, drainage reserves, parks, etc)

A copy of this notice must be provided to Council's Co-ordinator of Engineering

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Approval.

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- 2.7.2 Any future substation, temporary drainage works or other utility installation required to service the approved subdivision/development shall not be sited on future or existing Council land, including road reservations and/or public reserves.

2.8 Drainage Section Matters

- 2.8.1 Each year by the first business day on or after 1 September the registered proprietor/lessee is to provide to Council's Asset Design Services Section a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices and rainwater tank in accordance with the approved maintenance schedule and details of all non-potable water used. All material removed are to be disposed of in an approved manner. Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

3.2 Services / Utilities

- 3.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Occupation Certificate:
- a) A "Notification of Arrangement" Certificate from a recognised energy provider, stating that arrangements have been made with the service authority for electrical services, including the provision of street lighting, to the development.
 - b) A written clearance from Telstra or any other recognised communication carrier, stating that services have been made available to the development or that arrangements have been made for the provision of services to the development.

3.3 Voluntary Planning Agreement

- 3.3.1 Prior to the issue of the Construction Certification any relevant contributions to Blacktown City Council or requirements under the VPA (DA-18-00883 Planning agreement dated 22 October 2018) required should be satisfactory completed.

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The following monetary contributions under the Voluntary Planning Agreement (VPA) must be paid where a VPA is entered into. The amounts below are BASE contributions which WILL BE INDEXED from the nominated base date to the date of payment. Payment of the indexed amounts must be made (BY BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED; NOTE Council DOES NOT accept payment of VPA Contributions by credit card or EFTPOS) prior to the issue of a Construction Certificate either by Council or any accredited certifier, whichever occurs first.

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

The VPA Contribution(s) have been based on the total developable area. Should the final plan of survey indicate any change in the total developable area, the VPA Contribution(s) will be adjusted accordingly.

Contribution Item	Base Amount	Base Date
(i) Water Quality	\$ 81757	01/03/2015
(ii) Administration Fee	\$ 1226	01/03/2015

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Implicit Price Deflator for Gross Fixed Capital Expenditure (Private Dwellings) and the Consumer Price Index (Sydney Dwellings).

The VPA Contribution(s) have been based on the total developable area plus existing pavement area to be regraded. Should the final plan of survey indicate any change in the total developable area, the VPA Contribution(s) will be adjusted accordingly.

Developable Area: 1.30 Ha.

3.4 Section 7.11 Contributions

- 3.4.1 The following monetary contributions pursuant to *Section 7.11 of the Environmental Planning & Assessment Act 1979* must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Indexed amount	Relevant C.P
i. Major Roads - Huntingwood	\$195,746	CP.1

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The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

S.7.11 CP No. 1 – 1980's Release Area

The Section 7.11 contribution(s) have been based on the total developable area, the site's road frontage and the potential additional population nominated below. Should the final plan of survey indicate any change in the total developable area or should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable area: 1.309ha

4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.1 Building Code of Australia Compliance

4.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

4.1.2 The structural alterations to the building shall not unduly reduce or compromise:

- (a) the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- (b) the existing level of resistance to fire of the building, or
- (c) the existing safeguards against the potential spread of fire to adjoining buildings.


4.2 Site Works and Drainage

4.2.1 Any required retaining wall(s) and/or other effective method to retain excavated or filled ground (not being Exempt Development under the Blacktown Local Environmental Plan), together with any associated groundwater drainage system, shall be designed by an appropriately qualified person. Details of such site works

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shall accompany the Construction Certificate.

- 4.2.2 Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities of 159mm per hour over an average recurrence interval of 20 years. The design shall:

- (a) be in accordance with Australian Standard 3500.3, and
- (b) provide for drainage discharge to an existing Council drainage system, and
- (c) ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

4.3 Building Additions

- 4.3.1 The design of the building addition or attachment shall not compromise the Building Code of Australia structural design criteria of any portion of the existing building.

4.4 Fire Services

- 4.4.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

- 4.4.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

5.1 General

- 5.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any Construction Certificate can be issued.

- 5.1.2 All fees for Construction, *Roads Act 1993* and *Local Government Act 1993* approvals must be paid to Council prior to the issue of any of the above certificates or approvals. All fees for Compliance Certificates must be paid to Council prior to any construction certificate works commencing.


- 5.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Henry & Hymas	17C63_DA_	C000	-	02	25/5/2018
		C100		01	8/5/2018

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	C101	03	2/7/2018
	C102	02	25/5/2018
	C103	03	2/7/2018
	C104	02	25/5/2018
	C105	02	25/5/2018
	C200	03	25/5/2018
	C201	02	25/5/2018
	C210	03	2/7/2018
	C250	03	25/5/2018
	C251	02	25/5/2018
	SE01	02	25/5/2018
	SE02	02	25/5/2018
	BE01	02	25/5/2018

The following items are required to be addressed on the Construction Certificate plans:

DRAINAGE SECTION COMMENTS

1. Amend Stormwater Management Plan prepared by Henry and Hymas, dated 25/05/2018 to address the following.
 - a. On Drawing No. 17C63_DA_C101(3) -1 03(3).
 - i. Replace "Enviropod Pit Basket Filter or Approved Equivalent" with 200 micron Enviropod.
 - ii. Enviropods treating only surface flows require a minimum clear depth of 500 mm below the grate to any inlet or outlet pipe obvert. Enviropods treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of the outlet pipe.
 - iii. The CDS 1009 must provide an oil baffle. Delete "OR APPROVED EQUIVALENT"
 - b. On Drawing No. 17C63_DA_C210 (3).
 - i. Amend drawing to replace 1.5 year orifice " Ø390 mm" and 100 year orifice " Ø730 mm" with "Ø130 mm" and "Ø258 mm" respectively.
 - ii. The weir level for the diversion pit has to set at least 150 mm above the 1.5 yr weir top to avoid backwater effect.
 - iii. Non-return flap valve is to be placed at the outlet from the GPT prior to OSD allowing 6 months flow to enter to OSD while preventing back flow from the OSD.
 - iv. Provide on-site detention (OSD) warning signs as per the Upper Parramatta River Catchment Trust guidelines.

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- v. There are insufficient access grates for the below ground detention tanks. Access grates to the below ground detention tank must be a minimum 900 mm by 900 mm and are positioned such that the maximum distance from any point in the tank to the nearest grate is not greater than 4 m. Replace 1200 x 1200 Hinged sealed access with grate access.
 - vi. Provide an additional 1200 x 1200 grated access over the 1.5 year orifice. Delete reference to "2 year ARI".
 - vii. Delete 900 x 900 sealed pit at the diversion pit. Provide a grate
 - viii. Discharge control pit and overflow pit must have minimum internal opening of 1200 x 1200 mm.
 - ix. The orifice within the Discharge Control Pit is to be protected by a suitable screen. Provide Maximesh Rh3030 for orifice diameters 150 mm or less with a minimum area of 50 times the orifice area and Weldlok F40/203 for orifices 150 mm diameter or more with a minimum area of 20 times the orifice area.
 - x. The minimum grade for the base of the detention tank is to be 2% in accordance with Council's Engineering Guide for Development 2005. For larger tanks this can be in the form of a 2% cross-slope to a central "V" drain with 2% longitudinal slope along the "V" drain. The tank dimensions are to be increased to offset the storage lost in the base of the tank with revised calculations
2. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
 - i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
 3. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
 4. An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:

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- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- i) a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
- ii) a pump with isolation valves and a warning light to indicate pump failure;
- iii) a mains water direct tank top up with air gap for landscape watering,
- iv) a solenoid controlled mains water bypass for toilet flushing only;
- v) flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
- vi) a timer and control box for landscape watering, allowing for seasonal variations;
- vii) ensuring all the rainwater reuse pipes are coloured purple;
- viii) an inline filter and preferably an automatic backwash inline filter.
- ix) fitting rainwater warning signs to all external taps using rainwater.

5.2 Construction Certificate Requirements

- 5.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate for engineering work is required. These works include but are not limited to the following:
- Drainage construction
 - On-site stormwater detention
 - Water quality treatment
 - Earthworks

The above requirements are further outlined in this section of the consent.

5.3 Other Engineering Requirements

- 5.3.1 Submit a detailed estimate of costs for the engineering works. If this detailed estimate is \$25,000 or greater then a long service levy payment is required. Provide proof of this payment to Council.
- 5.3.2 Any ancillary works undertaken shall be at no cost to Council.
- 5.3.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

5.4 Roads

- 5.4.1 Proposed new private internal driveways shall be designed and constructed generally as follows:

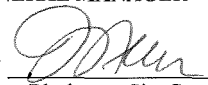
Certification that the internal private driveway has been designed in accordance with the relevant Australian and Councils Standards including but not limited to:

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- Where an alternate designs to ridged pavement designs are proposed the design must be accompanied by supporting evidence from a geotechnical engineer as to the bearing capacity of the subgrade and the structural adequacy of the proposed pavement design.
- A statement clearly detailing that the proposed road design is 'fit for purpose' supported by swept path analysis and traffic report of the proposed design

5.5 Drainage

5.5.1 Modification of the drainage system shall be generally in accordance with the nominated Consent drawings and be connected to an existing 900 diameter pipe located within the site.

5.5.2 Foundations adjacent stormwater pipes and service pits shall not place a loading on the pipe within the easement.

5.6 Erosion and Sediment Control

5.6.1 Provide a sediment and erosion control plan in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development.

5.7 Earthworks

5.7.1 Batters are not to exceed a grade of 1V:5H and are to be stabilised with topsoil, turf and vegetation.

5.8 On-Site Detention

5.8.1 Provide an on-site detention system in accordance with Council's Engineering Guide for Development.

5.8.2 The development site is within the following catchment and on-site detention system shall be designed to achieve the following:

DRAINAGE SECTION REQUIREMENTS

- i. Minimum detention storage of 315.7 m³ provided below the 1.5 year ARI weir.
- ii. Minimum detention storage of 478.8 m³ provided below the emergency overflow weir.
- iii. Orifice sizes for 1.5 yr and 100 yr ARI is 131.5 mm and 258 mm respectively.
- iv. All the signage and warning notices installed including the water quality sign.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 5.8.3 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings however any significant variation to the on-site detention design shall require a section 96 application.
- 5.8.4 Submit the following certificates which are to be prepared by a registered engineer (NER):
- Certification that the structures associated with the on-site stormwater detention system have been designed to withstand all loads likely to be imposed on them during their lifetime.
 - Certification that the on-site stormwater detention system will perform to meet the on-site stormwater detention requirements.
- 5.8.5 The following documents shall be submitted to accompany the on-site detention design in accordance with the design and construction specification:
- Comprehensive drainage drawings with cross-sectional details of the storage area, pit numbers, pipe sizes, catchment plan, etc.
 - OSD detailed design submission and calculation summary sheet
 - A maintenance schedule that is signed and dated by the designer

5.9 Stormwater Quality Control

- 5.9.1 Provide a stormwater quality treatment system in accordance with Council's Engineering Guide for Development and Development Control Plan Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

DRAINAGE SECTION REQUIREMENTS

- i. Rainwater tank provided as per the approved proposed plans as 24 KL collecting roof area;
 - ii. Rocla CDS GPT installed for the site as per the manufacture's recommendations.
 - iii. Minimum weir level for the diversion pit to be set at 59.225 m to avoid backwater effect.
 - iv. All the signage and warning notices have been installed including the water quality sign.
- 5.9.2 The engineering drawings approved under this consent are not to be used for construction. The Construction Certificate shall be generally in accordance with the approved DA plans however any significant variation to the water quality treatment design shall require a section 96 application.
- 5.9.3 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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5.10 Vehicular Crossings

- 5.10.1 No additional vehicle crossings or direct entrance ways to Huntingwood Drive or Brabham Drive are permitted under this consent.

6 PRIOR TO DEVELOPMENT WORKS

6.1 Safety/Health/Amenity

- 6.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

- 6.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 6.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

- 6.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.
- 6.1.5 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.
- 6.1.6 A single vehicle/plant access to the land shall be provided to minimise ground disturbance and transport of soil onto any public place. Such access shall be provided in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided as a minimum.
- 6.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 6.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

6.2 Notification to Council

- 6.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

6.3 Sydney Water Authorisation

- 6.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine 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. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

6.4 Construction Details

- 6.4.1 Structural details of the nominated building component(s), prepared and/or certified by a professional engineer or other appropriately qualified person, shall be lodged with Council prior to commencing or erecting that portion of the approved development.

Nominated Component

- (a) Footing piers
- (b) Footing system
- (c) Floor slab
- (d) Structural concrete
- (e) Wall frame bracing
- (f) Roof trusses
- (g) Structural steelwork
- (h) Retaining walls

7 PRIOR TO DEMOLITION WORKS

7.1 Safety/Health/Amenity

- 7.1.1 Security fencing shall be provided around the perimeter of the demolition site to prevent unauthorised entry to the site. Notices complying with AS 1319-1994 and displaying the words "DANGER - DEMOLITION IN PROGRESS", or similar message shall be fixed to the fencing at appropriate places to warn the public.
- 7.1.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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7.1.3 Should the demolition work:

- (a) be likely to be a danger to pedestrians in a public place or occupants of any adjoining land or place,
- (b) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (c) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place or adjoining land or place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place or adjoining land or place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

7.1.4 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

7.2 **Site Contamination**

7.2.1 The recommendations of the *Phase 1 and Phase 2 Environmental Site Assessment, Date 2 February 2018, prepared by JBS&G* must be implemented.

8 **DURING CONSTRUCTION (BUILDING)**

8.1 **Safety/Health/Amenity**

8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:


- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (e) stating that unauthorised entry to the work site is prohibited.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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8.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

8.1.4 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

8.1.5 All measures specified in the Construction Certificate to control soil erosion and sedimentation shall be maintained throughout development works.

8.1.6 A single vehicle/plant access to the land shall be maintained to minimise ground disturbance and transport of soil onto any public place. Such access shall be maintained in accordance with the requirements of Appendix "F" of Council's Soil Erosion and Sediment Control Policy. As a minimum, single sized 40mm or larger aggregate placed 150mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

8.1.7 Any excavation and/or backfilling associated with the ongoing development works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.

8.1.8 Should any excavation associated with the ongoing development works extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting works be given notice of such intention and particulars of the excavation or supporting works.

8.1.9 Building and construction materials, plant, equipment and the like shall not to be placed or stored at any time on Council's footpath, roadway or any public place.

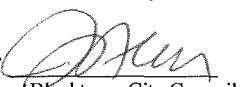
8.2 Building Code of Australia Compliance

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 8.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

8.3 Surveys

- 8.3.1 The building(s) shall be set out by a registered surveyor and a survey report lodged with the Principal Certifying Authority to verify the approved position of each structure in relation to the property boundaries.

8.4 Nuisance Control

- 8.4.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

- 8.4.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 8.4.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

8.5 Waste Control

- 8.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

8.6 Tree Protection

- 8.6.1 The measures required to effectively protect trees on the land shall be maintained throughout the development works.

9 DURING CONSTRUCTION (ENGINEERING)

9.1 Notification of Works

- 9.1.1 A written notification of works must be submitted to Council's Engineering Approvals Team prior to the commencement of any engineering works required by this consent. This must be submitted a minimum five (5) business days prior to commencement of engineering works.


9.2 Insurances

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.2.1 Current copies of relevant insurance Certificates of Currency are to be submitted to Council's Engineering Approvals Team. This shall be submitted prior to commencement of engineering works required by this consent that are carried out on Council controlled lands such as roads, drainage reserves and parks. This includes Public Liability Insurance with a minimum of \$20,000,000.00 Indemnity and Workers Compensation.

9.3 Boundary Levels

- 9.3.1 Any construction at the property boundary, including but not limited to fences, retaining walls and driveways shall not be carried out until boundary alignment levels have been fixed.

9.4 Tree Protection and Preservation

- 9.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- 9.4.2 Prior to commencement of engineering works that may disturb existing vegetation/trees, the site shall be inspected to identify and appropriately mark out any trees to be retained as well as determine areas that are to be left undisturbed. Proposed roads must be set-out onsite prior to this inspection. Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.
- 9.4.3 There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.
- 9.4.4 Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be generally undertaken by a qualified Arborist.

9.5 Soil Erosion and Sediment Control Measures

- 9.5.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.
- 9.5.2 Re-vegetation and restoration of all disturbed areas as a result of the development works shall be completed as soon as practicable after the completion of earthworks and before the commencement of any other works on-site. The revegetated/restored areas must be established prior to the release of maintenance security/bonds. Note: All open drains must be turfed.
- 9.5.3 All required soil erosion and sedimentation control measures are to be maintained throughout the entire construction period and until all disturbed areas are restored to the satisfaction of Council in accordance with the design and construction

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specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

9.6 Filling of Land and Compaction Requirements

9.6.1 Suitable land fill replacement is required when unsuitable soils are removed. All fill including existing fill shall be compacted in accordance with Council's Works Specification - Civil (current version). A compaction certificate shall be obtained from an appropriately qualified practising registered engineer (NER) verifying that the correct compaction requirements have been met. This compaction certificate is to be submitted to Council.

9.6.2 Special attention is drawn to the below listed requirements of Council's Works Specification - Civil (Current Version).

- a) Submission of compaction certificates for fill within road reserves.
- b) Submission of compaction certificates for road sub-grade.
- c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- e) Compliance Certificates from road material suppliers (the relevant certified stockpile number shall be digitally shown from supplier)

Note: Council's Works Specification (Civil) requires road pavement and pipe bedding materials be sourced from approved suppliers. A listing of these materials and approved stockpile numbers can be found on Council's webpage.

The above documentation shall be submitted at the prior to Subdivision and/or Occupation certificate stage as required by this consent.

9.6.3 Site filling within lot boundaries (not in road reserves) and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.

9.6.4 Only clean fill shall be deposited/imported on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site. Validation of the imported fill material will be required by a suitably qualified registered engineer.

9.6.5 Appropriate dust control measures are to be implemented during construction to reduce any impact on local air quality and reduce dust emissions. This will include but not be limited to regularly wetting down of the site during the course of works being carried out in order to control wind blown dust.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 9.6.6 All roads adjoining the site must be kept clean and free of all materials. Infringement Notices incurring a monetary penalty may be issued by Council where this measure is not being complied with.
- 9.6.7 Trucks transporting cut and fill must have their loads covered and provisions of "shaker pads" and wash-down areas for trucks leaving the site are to be made available. All details are to be shown on soil erosion and sediment control plans.
- 9.6.8 Prior to the placement of any fill on the site all topsoil and vegetation must be removed down to a suitable sub-grade material. The topsoil is to be stockpiled for use in revegetation of the site.

9.7 Inspection of Engineering Works - Environmental Planning and Assessment Act 1979.

- 9.7.1 Comprehensive inspection compliance certificate(s) to be issued for all engineering works required by this consent and the approved construction certificate. The inspection compliance certificate(s) can only be issued by Council or an accredited certifier, under *Part 4A of the Environmental Planning and Assessment Act 1979* as amended. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

Where Council is appointed as the Principal Certifying Authority for the development, only compliance certificates issued by accredited certifiers will be accepted. All compliance certificate(s) must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction Certificate.

9.8 Public Safety

- 9.8.1 The applicant is advised that all works undertaken are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

9.9 Traffic Control

- 9.9.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a suitably qualified Roads and Maritime Services (RMS) accredited work site traffic designer for all works that are carried out in or adjacent to a public road. This Plan must satisfy all the requirements of AS 1742.3 - 2002.
- 9.9.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc) must be setup, installed, monitored and maintained in accordance with the certified Traffic Control Plan and by suitably qualified RMS accredited work site traffic controllers.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 9.9.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold with them their RMS Traffic controllers accreditation.
- 9.9.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified RMS accredited work site traffic controllers will ensure a smooth transition with other nearby traffic control setups. The coordination, communication and cohesion between adjacent traffic control systems shall be addressed by the applicant and must satisfy all the requirements of AS 1742.3 - 2002.
- 9.9.5 Where the Traffic Control Plan may change during the course of construction to facilitate new works, a revised traffic control plan shall be prepared and certified by a suitably qualified RMS accredited worksite traffic control designer. This Plan must satisfy all the requirements of AS 1742.3 – 2002 and the current version of the RMS *Traffic Control at Work Sites* manual and shall be submitted to Council prior to implementation.
- 9.10 **Other DRAINAGE SECTION Matters**
- 9.10.1 The 200 micron Enviropod by Stormwater 360 device is not to be reduced in size, nor replaced with an alternate manufacturer's product.
- 9.10.2 The proposed Rocla CDS 1009 GPT is not to be reduced or replaced with an alternate manufacture's product.

10 DURING DEMOLITION WORKS

10.1 Safety/Health/Amenity

- 10.1.1 Security fencing shall be maintained around the perimeter of the demolition site to prevent unauthorised entry to the site at all times during the demolition works. Notices lettered in accordance with AS 1319-1994 and displaying the works "DANGER - DEMOLITION IN PROGRESS", or similar message shall be maintained on the fencing at appropriate places to warn the public.
- 10.1.2 A sign shall be maintained in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- 10.1.3 Any hoarding or protective barrier required to be erected between the work site and the public place on adjoining land or place shall be maintained in an effective condition.
- 10.1.4 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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Kerry Robinson
GENERAL MANAGER

Per




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- 10.1.5 Soil erosion and sediment control measures shall be maintained in accordance with Council's Soil Erosion and Sediment Control Policy.
- 10.1.6 Any excavation and/or backfilling associated with the demolition works shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent them from being dangerous to life or property.
- 10.1.7 All demolition work and handling of materials shall be in accordance with Australian Standard 2601-2001 (Demolition of Structures) and all applicable NSW WorkCover Authority requirements including the Code of Practice for the Safe Removal of Asbestos" – National Occupational Health and Safety Commission:2002 (if applicable)
- 10.1.8 The remaining portions of each structure being demolished shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, shoring, bracing or guys, or any combination of these, shall be provided for stability, where necessary.
- 10.1.9 All plant and equipment used on the land shall be operated by a competent person. Cranes used for hoisting and lowering of materials shall comply with AS 1418.1 and AS 1418.5 and be fitted with a load indicator and hoist limited device.
- 10.1.10 At least one access and egress route shall be made available connecting any undemolished floor to an open space well clear of the structure being demolished. The egress route shall be clearly identified as an emergency exit and maintained clear of obstructions at all times.
- 10.1.11 A valid public liability insurance policy of at least \$10,000,000 shall be maintained throughout the demolition works.
- 10.1.12 Demolished materials, plant, equipment and the like shall not be stored or placed at any time on Council's footpath, roadway or any public place.
- 10.1.13 Should any excavation associated with the demolition works extend below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

10.1.14 All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

10.1.15 The demolisher has an obligation to ensure that the adjoining buildings and property are not damaged.

10.2 Nuisance Control

10.2.1 Any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

10.2.2 Any noise generated during demolition shall not exceed those limits specified in the Protection of the Environment Operations Act 1997 and shall be limited to between 7.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm, Saturday, with no demolition work being undertaken on Sundays or public holidays.

10.2.3 The waste material sorting, storing and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of the demolition works.

10.3 Site Contamination

10.3.1 All areas that are suspected of being contaminated must be remediated. Upon completion of remediation an appropriately qualified environmental consultant must prepare a validation report in accordance with;

- NSW Environment Protection Authority's "Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites" (2011)
- NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995)
- NSW Environment Protection Authority's "Contaminated Sites: Guidelines for NSW Site Auditor Scheme" (2006)
- National Environment Protection Council "National Environment Protection (Assessment of Site Contamination) Measure" (2011).

10.3.2 The recommendations of the *Phase 1 and Phase 2 Environmental Site Assessment, Date 2 February 2018, prepared by JBS&G* must be implemented.

10.3.3 Any asbestos material is to be handled and treated in accordance with the WorkCover document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.

These conditions are imposed for the following reasons:

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11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Compliance with Conditions

11.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

11.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

11.2 Services / Utilities

11.2.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of the Occupation Certificate:

- c) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of 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 and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

11.3 Temporary Facilities Removal

11.3.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

11.3.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

11.3.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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11.3.4 Any temporary builder's sign or other site information sign shall be removed from the land.

11.3.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

11.4 Fire Safety Certificate

11.4.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

11.5 Acoustic Assessment

11.5.1 An acoustic assessment carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS).

11.6 Fee Payment

11.6.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

11.7 Road Damage

11.7.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.


11.8 Compliance with Conditions

11.8.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent,

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other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

- 11.8.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

11.9 Landscaping/Car Parking

- 11.9.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.
- 11.9.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.9.3 The car park, all open space areas, the pedestrian footpath area and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 11.9.4 All vehicular entrance/exit points are to be clearly signposted and visible from the street and the site at all times. The signage shall distinguish which driveways are for truck entry and those for car entry.
- 11.9.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 11.9.6 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

11.10 Engineering Matters

11.10.1 Surveys/Certificates/Works As Executed plans

- 11.10.1.1 A Work-as-Executed (WAE) plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed. A hardcopy (A1 size) and softcopy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering Work-as-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.
- 11.10.1.2 The Work-as-Executed (WAE) plan must confirm that the On Site Detention system identification plate has been installed in accordance with the Upper

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Parramatta River Catchment Trust Guidelines. The On Site Detention system identification plate can be purchased from Council.

- 11.10.1.3 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the On-Site Detention System as constructed will perform to meet the on-site stormwater detention requirements in accordance with the approved design plans.

In particular a Civil Engineer registered with NER, is to certify that:

- v. all the requirements of the approved drainage plan have been undertaken;
- vi. the minimum detention storage of 315.7 m³ has been provided below the 1.5 year ARI weir.
- vii. the minimum detention storage of 478.8 m³ has been provided below the emergency overflow weir.
- viii. the orifice sizes for 1.5 yr and 100 yr ARI is 131.5 mm and 258 mm respectively.
- ix. the rainwater tank have been provided as per the approved construction certificate plans as 24 KL collecting roof area;
- x. the proposed Rocla CDS GPT has been installed for the site as per the manufacture's recommendations.
- xi. the minimum weir level for the diversion pit to be set at 59.225 m to avoid backwater effect.
- xii. all the signage and warning notices have been installed including the water quality sign.
- xiii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

- 11.10.1.4 A certificate from a Registered Engineer (NER) must be lodged with Council verifying that the structures associated with the On-Site Detention System(s) have been constructed to withstand all loads likely to be imposed on them during their lifetime.

- 11.10.1.5 A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.


- 11.10.1.6 The submission to Council of Compliance Certificate(s) and construction inspection reports required by this consent for engineering works. A final inspection report is to be included noting that all works are complete.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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When Council has been nominated or defaulted as the nominee for engineering compliance. Final inspections can be arranged through Councils Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

11.10.2 Easements/Restrictions/Positive Covenants

11.10.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

11.10.2.2 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

11.10.3 Bonds/Securities/Payments in Lieu of Works

11.10.3.1 Where Council's has granted approval of providing security in lieu of outstanding works. A security, in the form of a bank guarantee or a cash deposit, shall be lodged with Council to cover outstanding works required by this consent. The security amount will be calculated at Council's approved rate upon request.

11.10.4 Inspections

11.10.4.1 Any additional Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

11.10.5 Drainage Section Matters

11.10.5.1 Provide a Restriction to User and Positive Covenant over the On-Site Detention System in accordance with the requirements of Council's Engineering Guide for Development 2005. The Restriction to User and Positive Covenant must be registered with Land & Property Information

11.10.5.2 Provide a Restriction to User and Positive Covenant over the Stormwater Quality Improvement Devices and Rainwater Tanks in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment and non-potable water usage by the first business day on or after 1

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September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

- 11.10.5.3 Provide maintenance requirements for each of the proposed Stormwater Quality Improvement Devices. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, company, signature and date on it.
- 11.10.5.4 Provide written evidence that the registered owner/lessee has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Enviropods,, GPT, detention tank and rainwater tank. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.
- 11.10.5.5 A plumber, licensed with NSW Fair Trading, or experienced hydraulic engineer registered with NER, is to certify that all the non-potable water uses are being supplied by rainwater and that all the requirements of the detailed Non-Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non- Potable Water Reuse Plan have been installed and are working correctly. Provide a copy of the certification and a signed, works-as-executed Non-Potable Water Reuse Plan to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- 11.10.5.6 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers have been used.

12 OPERATIONAL (GENERAL)

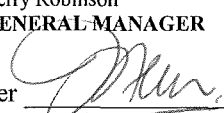
- 12.1 This consent does not authorise the sale or display of goods for retail to the general public.
- 12.2 No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles.
- 12.3 No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.

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- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 12.4 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.5 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 12.6 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 12.7 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
 - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.
- 12.8 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 12.9 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 12.10 All loading and unloading operations shall take place at all times wholly within the confines of the land within the designated loading areas. All unloading activities are to be conducted in a manner that does not impact on the amenity of adjoining owners. Loading and unloading operations are not to obstruct internal driveways or car parking spaces at any time.
- 12.11 All vehicles must enter and leave the site in a forward direction at all times.
- 12.12 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 12.13 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 12.13.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.
- 12.14 Arrangements shall be made for an effective commercial refuse removal service.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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12.15 Roads and Maritime Services

12.15.1 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.6-2009. Parking Restrictions may be required to maintain the required sight distances at the driveway.

12.15.2 All vehicles are to enter and leave the site in a forward direction.

12.15.3 All vehicles are to be wholly contained on site before being required to stop.

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

13.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

13.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

13.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.


13.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

13.3 A clearance certificate prepared by a qualified occupational hygienist must be obtained and submitted to Council confirming the premises and surrounding area are free from contamination.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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GENERAL MANAGER

Per 
Blacktown City Council
24 December 2018

File No: MOD-19-00039
DA-18-00883

14 March 2019

Arnott' C/- Urbis Pty Ltd
Tower 2, Level 23, Darling Park
201 Sussex Street
SYDNEY NSW 2000

Dear Sir/Madam,

Consent Modification

Development Description: S4.55(1)

Premises: Lot 1 DP 866251 65 Huntingwood Drive HUNTINGWOOD

Reference is made to your recent application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Notice of Determination No. DA-18-00883 dated 24 December 2018 for the partial demolition and extension of the existing warehouse along the southern boundary, construction of a high bay warehouse to be used for ancillary storage, upgrade of existing loading docks, construction of a small shed, landscaping and associated site works

Council has reviewed the request and hereby agrees to modify Notice of Determination DA-18-00883

Determination No. 18-00883:

2 GENERAL

2.6 Engineering Matters

2.6.1 Design and Works Specification

Condition 2.6.1.1 is deleted and replaced with the following condition:

2.6.1.1 All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

- (d) Blacktown City Council Growth Centre Precincts Development Control Plan
- (e) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)
- (f) Blacktown City Council On Site Detention General Guidelines and Checklist
- (g) Upper Parramatta River Catchment Trust On Site Stormwater Detention Handbook THIRD Edition December 1999.

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with **the relevant** application for **the relevant** Construction Certificate, *Road Act 1993* or *Local Government Act 1993* approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documents.

NOTE: Any variations from these design requirements must be separately approved by Council.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

Condition 3.4.1 is deleted.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

5.1 General

Condition 5.1.1 is deleted and replaced with the following condition:

- 5.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before **the relevant** Construction Certificate can be issued.

The above modifications have been made under Section 4.55 of the *Environmental Planning and Assessment Act 1979*. In seeking these modifications, Council is satisfied that the modified development is substantially the same as the development that was originally consented to and that no person shall be adversely affected by the modifications.

Please note that all other conditions of DA-18-00883 remain unaltered and therefore must be complied with.

Rights 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 6 months after the date on which you receive this notice.

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days and determined within six (6) months of the date on which you received this notice.

Note: To enable the Section 8.2 review to be considered within the six (6) months time frame prescribed by under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 8.2 within 28 days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a determination in respect of integrated development, a determination made by the council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note. Section 8.5 applies to a review under this section.

Should you have any further enquiries concerning this matter, please contact Olivia Betts of Council's Development Services on 9839 6000.

Yours faithfully,



Pauline Daw
Co-ordinator Planning Assessment (Development)

File No: MOD-19-00072
DA-18-00883

28 March 2019

Arnott' C/- Urbis Pty Ltd
Tower 2, Level 23, Darling Park
201 Sussex Street
SYDNEY NSW 2000

Dear Sir/Madam,

Consent Modification

Development Description: S4.55(2) - Major modifications to approved development for Arnott's Biscuits Ltd: including reduced building height, installation of rooftop mechanical ventilation, increased accessibility measures, amended stormwater and civil works, and amendment to and deletion of conditions of consent (DA-18-00883)

Premises: Lot 1 DP 866251 H/N 65 Huntingwood Drive HUNTINGWOOD

Reference is made to your recent application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Notice of Determination No. DA-18-00883 dated 24 December 2018 for the partial demolition and extension of the existing warehouse along the southern boundary, construction of a high bay warehouse to be used for ancillary storage, upgrade of existing loading docks, construction of a small shed, landscaping and associated site works

Council has reviewed the request and hereby agrees to modify Notice of Determination DA-18-00883

Determination No. 18-00883:

1 ADVISORY NOTES

1.6 Engineering Notes

Condition 1.6.2 is deleted.

2 GENERAL

2.1 Scope of Consent

Condition 2.1.1 is deleted and replaced with the following condition:

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Title sheet & Cover Page	08.02.2019	29K

171122—DA-000-B Rev:B		
Site Analysis Plan 171122—DA-001-A Rev:A	24.05.2018	1B
Demolition Plan 171122—DA-003-B Rev: B	08.02.2019	29L
Site & Building Plan (Ground) 171122—DA-100-B Rev:B	08.02.2019	29M
Site & Building Plan (Mezzanine) 171122—DA-101-B Rev:B	08.02.2019	29N
Roof Plan 171122 - -DA-121-A Rev:A	08.02.2019	29O
Elevations – Sheet 1 171122—DA-200-B Rev:B	08.02.2019	29P
Elevations – Sheet 2 171122—DA-201-B Rev:B	08.02.2019	29Q
Elevations – Sheet 3 171122—DA-202-B Rev:B	08.02.2019	29R
Sections – Sheet 1 171122—DA-210-B Rev:B	08.02.2019	29S
Sections – Sheet 2 171122—DA-211-B Rev:B	08.02.2019	29T
Landscape Plans		
Cover Sheet Dwg No: 000 Issue D	15.05.2018	1R
Landscape Masterplan Dwg No: 001 Issue D	15.05.2018	1S
Landscape Plan Sheet 1 Dwg No. 101 Issue D	15.05.2018	1T
Landscape Plan Sheet 2 Dwg No. 102 Issue D	15.05.2018	1U
Landscape details Dwg No: 501	15.05.2018	1V

Issue D		
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4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.4 Fire Services

Condition 4.4.2 is deleted and replaced with the following condition:

- 4.4.2 Where any external on-site water storage tank is required by AS 2118.1 or AS 2419.1, details of the location and type of any **new** proposed tank are to be submitted to and approved by Council prior to the issue of the relevant Construction Certificate.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

5.1 General

Condition 5.1.3 is deleted and replaced with the following condition:

- 5.1.3 Construction certificate plans shall be generally in accordance with the following drawings:

Prepared By	Project No.	Drawing No.	Sheet No.	Revision	Dated
Henry & Hymas	17C63_S4.55_	C000	-	03	12/02/2019
		C100		03	12/02/2019
		C101		03	12/02/2019
		C102		03	12/02/2019
		C103		03	12/02/2019
		C104		03	12/02/2019
		C105		03	12/02/2019
		C200		03	12/02/2019
		C201		03	12/02/2019
		C210		03	12/02/2019
		C250		03	12/02/2019
		C251		03	12/02/2019
		SE01		03	12/02/2019
		SE02		03	12/02/2019
		BE01		05	12/02/2019

The following items are required to be addressed on the Construction Certificate plans:

DRAINAGE SECTION COMMENTS

1. Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum

- WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 4 star taps (for all taps other than bath outlets and garden taps);
 - iv. 3 star urinals; and
 - v. Water efficient washing machines and dishwashers are to be specified.
2. Provide details for permanent coloured interpretive signage minimum A1 size to be installed to highlight the water quality improvement process. The sign is to incorporate a simplified drainage layout of the site and detail through words and pictures all the different water quality devices including the rainwater tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the major water quality device. The wording and detail is to be approved by Council.
3. An experienced hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tank arrangement including:
- i) a first flush or pre-treatment system (at min. 0.2 litres / m² of roof area going to the tank),
 - ii) a pump with isolation valves and a warning light to indicate pump failure;
 - iii) a mains water direct tank top up with air gap for landscape watering,
 - iv) a solenoid controlled mains water bypass for toilet flushing only;
 - v) flow meters on the mains water tank top-up line, the solenoid controlled mains water bypass line and the pump outflow line, to determine actual non-potable usage;
 - vi) a timer and control box for landscape watering, allowing for seasonal variations;
 - vii) ensuring all the rainwater reuse pipes are coloured purple;
 - viii) an inline filter and preferably an automatic backwash inline filter.
 - ix) fitting rainwater warning signs to all external taps using rainwater.

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Compliance with Conditions

Condition 11.1.1 is deleted and replaced with the following condition:

- 11.1.1 An Occupation Certificate shall not be issued until such time as all **relevant** conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

11.8 Compliance with Conditions

Conditions 11.8.1 and 11.8.2 are deleted.

11.9 Landscaping/Car Parking

Condition 11.9.2, 11.9.3 and 11.9.5 are deleted and replaced with the following conditions:

- 11.9.2 **New** off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 11.9.3 **New** car park, all open space areas, the pedestrian footpath area and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.
- 11.9.5 Access and parking for people with disabilities **for any new car parking** shall be provided in accordance with Australian Standard 2890.1.

12 OPERATIONAL (GENERAL)

12.15 Roads and Maritime Services

Condition 12.15.1 is deleted and replaced with the following condition:

- 12.15.1 The layout of **new** car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.6-2009. Parking Restrictions may be required to maintain the required sight distances at the driveway.

13 OPERATIONAL (ENVIRONMENTAL HEALTH)

Condition 13 is deleted and replaced with the following condition:

- 13.1 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.2 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 13.3 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

- 13.4 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.
- 13.5 A clearance certificate prepared by a qualified occupational hygienist must be obtained and submitted to Council **for areas proposed to be disturbed as part of the subject proposal**, confirming the premises and surrounding area are free from contamination.

The above modifications have been made under Section 4.55 of the *Environmental Planning and Assessment Act 1979*. In seeking these modifications, Council is satisfied that the modified development is substantially the same as the development that was originally consented to and that no person shall be adversely affected by the modifications.

Please note that all other conditions of DA-18-00883 remain unaltered and therefore must be complied with.

Rights 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 6 months after the date on which you receive this notice.

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days and determined within six (6) months of the date on which you received this notice.

Note: To enable the Section 8.2 review to be considered within the six (6) months time frame prescribed by under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 8.2 within 28 days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a determination in respect of integrated development, a determination made by the council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note. Section 8.5 applies to a review under this section.

Should you have any further enquiries concerning this matter, please contact Olivia Betts of Council's Development Services on 9839 6000.

Yours faithfully,

A handwritten signature in blue ink that reads "P. Daw". The signature is written in a cursive, slightly stylized font.

Pauline Daw
Co-ordinator Planning Assessment (Development)