

Draft conditions DA-23-01506

Prepared on 31 March 2025

Condition Reference	Draft conditions	Proposed Amendment by the applicant	Council's position
Deferred commencement condition 1.1.2	The applicant must demonstrate that Contributions Plan No. 21 Items M1.6 (Detention basin) and M1.8 (Channel) have reached practical completion and are operational. Alternatively, temporary OSD is to be provided for the proposed development to Council's Engineering section's satisfaction.	<p>The applicant proposes to delete the deferred commencement condition and move it to prior to occupation certificate as condition 15.7.7. The suggestion is to ensure that :</p> <ul style="list-style-type: none"> - the matter is resolved in a workable manner for the applicant, and which provides the appropriate protections for Council with regard to stormwater controls for development - imposition of a reasonable condition should consider the applicant's considerable commitments to the ultimate project outcomes - history of constructing and completing all contribution plan infrastructure in a timely and efficient manner to BCC specification and satisfaction is considered. <p>The suggested condition in lieu of the currently proposed deferred commencement condition is:</p>	<p>Not agreed.</p> <p>We do not agree with moving the deferred commencement condition to 15.7.7 (prior to OC)</p> <p>Our recommendations are:</p> <p>Keep the deferred commencement condition as it is OR Move the deferred commencement condition prior to OC and have an <u>additional condition prior to CC</u> stating that the existing temporary basin (where future Basin E is located) has sufficient capacity to cater for this development and other developments discharging into this existing basin.</p> <p>Simply moving the deferred commencement condition to Prior to OC section is not considered as a good outcome for the entire catchment area. The scale of the proposed buildings is such that the stormwater runoffs from the</p>

		<p><i>'The applicant must demonstrate that Contributions Plan No. 21 Items M1.6 (Detention basin) and M1.8 (Channel) have reached practical completion and are operational or has sufficient capacity for detention to service the development site. Alternatively, temporary OSD is to be provided for the proposed development to Council's Engineering section's satisfaction.'</i></p> <p>Another condition to be added prior to Construction Certificate such as:</p> <p><i>'Prior to the relevant construction certificate, the applicant must obtain a construction certificate in relation to Contributions Plan No. 21 Items M1.6 (Detention basin) and M1.8 (Channel) and commence the relevant works'.</i></p>	constructed buildings will not be effectively accommodated within Council's existing drainage system, until the regional basin is capable of absorbing such large, additional volumes.
<p>General condition (Plan Amendments)</p> <p>3.2.1 (1)</p>	<p>The demolition plan Issue F is to be amended to reflect trees retained in these conditions of consent. All trees shown on the plans are required to be numbered in accordance with the Arboricultural Impact Assessment Report, prepared by McArdle Arboricultural Consultancy dated 27 March 2024. These details shall be shown on amended landscape plans and shall be submitted to Council's Greenspace Services section for approval prior to a relevant construction certificate being issued.</p>	<p>Added the word "relevant"; this condition is in relation to Warehouse 4 i.e. stage A1 is not impacted by the condition.</p>	Agreed
<p>General condition (Drainage matters) 3.10.2</p>	<p>Each year, the registered proprietor/owner's corporation is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au</p>	<p>Rainwater tank volumes updated to reflect volumes on civil drawing C014250.03-DA401 revision N and</p>	Agreed.

<p>and prior to occupation certificate condition 15.7.1</p>	<p>a report outlining all non-potable water used annually and the percentage of non-potable reuse from the rainwater tank. Based on modelling, it is agreed that for non-potable reuse, the rainwater tanks are achieving a minimum of 80% reuse for:</p> <ul style="list-style-type: none"> ▪ Warehouse 1 <ul style="list-style-type: none"> • Discharge point 1A, minimum reuse supplied of 0.60 ML/yr for the RWT with capacity 55 70 kL. • Discharge point 1B, minimum reuse supplied of 0.47 ML/yr for the RWT with capacity 70 65 kL. ▪ Warehouse 2 <ul style="list-style-type: none"> • Discharge point 2A, minimum reuse supplied of 0.62 ML/yr for the RWT with capacity 55 65 kL. • Discharge point 2B, minimum reuse supplied of 0.75 ML/yr for the RWT with capacity 100 kL. ▪ Warehouse 3 <ul style="list-style-type: none"> • Discharge point 3, minimum reuse supplied of 0.50 ML/yr for the RWT with capacity 45 kL. ▪ Warehouse 4 <ul style="list-style-type: none"> • Discharge point 4A, minimum reuse supplied of 1.01 ML/yr for the RWT with capacity 90 kL. 	<p>C014250.03-DA402 revision L. Noting these are the drawings referenced in the consent.</p>	<p>The MUSIC model reflects the numbers in the conditions that we have provided (in BLACK), by adopting the new figures (in RED), the results won't be impacted.</p> <p>No objection to change the rainwater tank capacities, number of cartridges and the number of stormfilter cartridges as shown in RED.</p>
<p>Prior to Construction Certificate condition 5.2.1</p>	<p>Before the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision works), whichever occurs first, contributions under Section 7.11 of the <i>Environmental Planning & Assessment Act 1979</i> must be paid. These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.</p> <p>The amounts below are as at 25 February 2025. They WILL BE INDEXED from this date to the date of</p>	<p>We kindly request that the net developable areas be reduced for Stage A1 and A2 as per the comments on the NDA mark-up <i>attached</i> to allow for the non-developable area in the transgrid easement. This landed is constrained as per the Transgrid Easement Guidelines. There doesn't appear to be a definition for Net-developable area for the S7.11, however, the</p>	<p>Not agreed.</p> <p>Council's Manager Developer Contributions has advised that the Contributions Plan includes the Transgrid area as 'developable' as developments can be designed to include these areas as carparks or landscaped areas. The developable area stated on the draft conditions of consent should not be reduced.</p>

payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) or Subdivision Certificate (for subdivision 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 and payments made by credit card attract a % surcharge as detailed in Council's Goods and Services Pricing Schedule.

Section 7.11 contributions payable for Stage A1:

Contribution Item	Amount
Stormwater Quantity Marsden Creek	\$1,966,683.00
Stormwater Quality Marsden Creek	\$119,839.00
Traffic Management	\$641,263.00
Total	\$2,727,785.00

Developable area: 3.1123 hectares

Section 7.11 contributions payable for Stage A2:

Contribution Item	Amount
Stormwater Quantity Marsden Creek	\$2,003,776.00
Stormwater Quality Marsden Creek	\$122,100.00
Traffic Management	\$653,358.00
Total	\$2,779,234.00

Developable area: 3.1710 hectares

Section 7.11 contributions payable for Stage B:

Contribution Item	Amount
Stormwater Quantity Marsden Creek	\$1,392,217.00
Stormwater Quality Marsden Creek	\$84,834.00
Traffic Management	\$453,951.00
Total	\$1,931,002.00

definition for the SIC excludes areas for public utility undertaking as per clause 10 of the Western Sydney Growth Areas SIC Determination. Note, we have reduced the non-developable area where we have encroached on the easement. We have requested a drawing from our surveyor to confirm the areas.

The CP 21 states that 'the developable area is the area over which the cost of providing the works has been distributed'.

In this development proposal, there are parts of the proposed internal driveway, landscape areas which fall within the electricity easement. This landscaped area is also included within the calculation of pervious area minimum requirement 15 % of the site area as per the DCP.

Transgrid provided conditions of consent acknowledging the following works within the electricity easement:

Bulk roadworks, heavy-duty and light-duty pavement, landscaping works, chain-link fence, sewer lines crossing the easement at multiple locations, trees and shrubs.

	<p>Developable area: 2.2032 hectares</p> <p>Section 7.11 contributions payable for Stage C:</p> <table border="1" data-bbox="394 316 1093 469"> <thead> <tr> <th>Contribution Item</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Stormwater Quantity Marsden Creek</td> <td>\$1,159,865.00</td> </tr> <tr> <td>Stormwater Quality Marsden Creek</td> <td>\$70,676.00</td> </tr> <tr> <td>Traffic Management</td> <td>\$378,189.00</td> </tr> <tr> <td>Total</td> <td>\$1,608,730.00</td> </tr> </tbody> </table> <p>Developable area: 1.8355 hectares</p> <p>The Section 7.11 contribution(s) have been based on the total developable areas nominated above. Should the final plan of survey indicate any change in the total developable area, the Section 7.11 contribution(s) will be adjusted accordingly.</p> <p>The contribution(s) will be indexed according to index specified in the contributions plan.</p> <p>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:</p> <p>Section 7.11 Contributions Plan No. 21 – Marsden Park.</p>	Contribution Item	Amount	Stormwater Quantity Marsden Creek	\$1,159,865.00	Stormwater Quality Marsden Creek	\$70,676.00	Traffic Management	\$378,189.00	Total	\$1,608,730.00		
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Traffic Management	\$378,189.00												
Total	\$1,608,730.00												
<p>Prior to Construction Certificate conditions 5.3.1 (Planning CC) and 6.2.1 (Building CC)</p>	<p>No Construction Occupation Certificate is to be issued for Warehouse 1A 3 building works, until the planning proposal required under deferred commencement conditions of this consent is gazetted.</p>	<p>We note that our latest planning proposal PP-2023-1514 has been lodged with Council for circa 20 months and is yet to be gazetted and the timing for gazettal is outside of the control of Sydney Business Park. We kindly request that this condition be imposed on Warehouse 3 and be prior</p>	<p>Not agreed.</p> <p>We do not agree to impose the pre-cc condition on Warehouse 3, instead of Warehouse 1 A.</p> <p>Warehouse 3 is not affected by the ILP road – subject of the required</p>										

		to Occupation Certificate rather than Construction Certificate, as warehouse 1A & 1B will likely be constructed in the near term.	<p>planning proposal. The intention of the condition is to ensure that Warehouse 1A is not constructed over zone SP2 land prior to rezoning. Building works are prohibited in zone SP2.</p> <p>The applicant has clearly indicated on the staging plan that the proposed stages of development (stages 1A, 1B, C, D) are not to progress in a specific sequence. This condition withholds only 1 out of 6 buildings (Warehouse 1A).</p> <p>Requiring 'gazettal' of the planning proposal to delete the ILP road and rezone SP2 to IN1 will ensure that the surrounding properties, impacted by the deletion of the ILP road, are duly informed and consent for the planning proposal.</p>
Prior to Construction Certificate condition 5.7.1	<p>Prior to any relevant works commencing, a Project Ecologist is to be appointed to implement the Council approved Biodiversity Management Plan prepared by EcoLogical dated 10 May 2024 and the Council approved Dam Dewatering Plan prepared by EcoLogical dated 30 Aug 2023 with the following details provided to Council's Senior Ecologist Dr. Alison Hewitt:</p> <ul style="list-style-type: none"> - Name/s - Qualification/s - Telephone number/s - Email 	Included wording 'Relevant' as no trees on Stage A1 so no ecologist required for this stage	<p>Not agreed.</p> <p>We do not agree to the applicant's suggested change to condition 5.7.1.</p> <p>Reasons - pragmatically, it can be difficult to line an ecologist up for this work, and they should be in place and notified to Council prior to any works commencing. This also enables them to prepare any licences, conduct site inspections, prepare inductions, order nest</p>

			boxes, check fencing and liaise over reporting etc. The Biodiversity Management Plan does not just cover tree removal works but also unexpected fauna species finds, site inductions, seed collection, pathogens and washdown locations etc. The dam dewatering will occur in Stage 2A and needs an ecologist appointed to be present for Dam Dewatering. For similar reasons, this person should also be appointed and notified to Council prior to any works commencing.
Prior to Construction Certificate condition 7.1.1	All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before any the relevant Construction Certificate can be issued.	Included the wording relevant, noting not all conditions are relevant for all stages	Not agreed. This is a general condition and should remain as it is.
Prior to Construction Certificate condition 7.9.1	Batters are not to exceed a grade of 1V:5 4H and are to be stabilised with topsoil, turf and vegetation.	Amended max batter to 1:4. Max batter on civil engineering drawings is 1:4, please refer to C014250.03-DA 502. This was addressed in the RFI process.	Agreed.
During construction condition 14.14.1	The proposed water quality measures listed below and supplied by Ocean Protect as approved on the approved drainage plans and MUSIC model are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product, without prior written consent by Council: a) <u>Warehouse 1</u>	Added wording "without prior written consent by Council" Ocean guard pit inserts updated to suit civil drawing C014250.03-DA410 revision F.	Agreed. No objection to change the rainwater tank capacities, number of cartridges and the number of stormfilter cartridges as shown in RED.

	<ul style="list-style-type: none"> • Discharge point 1A, thirteen (13) x 690mm ZPG stormfilter cartridges and thirteen (11 13) x 200 micron OceanGuards. • Discharge point 1B, thirty six (36) x 690mm ZPG stormfilter cartridges, one (1) Humeguard and eighteen (18) x 200 micron OceanGuards. <p>b) Road to discharge point 1A, ten (10) x 690mm ZPG stormfilter cartridges and seven (7) x 200 micron OceanGuards.</p> <p>c) <u>Warehouse 2</u></p> <ul style="list-style-type: none"> • Discharge point 2A, thirty two (32) x 690mm ZPG stormfilter cartridges and twenty nine (17 29) x 200 micron OceanGuards. • Discharge point 2B, twenty two (22) x 690mm ZPG stormfilter cartridges and eight (7 8) x 200 micron OceanGuards. <p>d) <u>Warehouse 3</u></p> <ul style="list-style-type: none"> • Forty (40) x 690mm ZPG stormfilter cartridges and twenty (20) x 200 micron OceanGuards. <p>e) <u>Warehouse 4</u></p> <ul style="list-style-type: none"> • Discharge point 4A, twelve (12) x 690mm ZPG stormfilter cartridges and ten (8 10) x 200 micron OceanGuards. <p>Discharge point 4B, thirty eight (38) x 690mm ZPG stormfilter cartridges and twelve (9 12) x 200 micron OceanGuards.</p>		
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<p>Prior to Occupation Certificate condition 15.3.1</p>	<p>The lots (Lot 2 in DP 1271323, Lot 3 in DP 1271323, Lots 120 and 121 in DP 1194052) shall be consolidated into one title which shall be lodged registered with NSW Land Registry Services prior to the issue of an Occupation Certificate.</p>	<p>Wording “registered” to be amended to ‘lodged”, as is typical for consents with Blacktown City Council in Sydney Business Park</p>	<p>Not agreed.</p> <p>This is a standard condition for any development applications including the consolidation of lots. The development proposal has been assessed for the site as a whole. ‘Lodging’ an application with NSW LRS does not ensure the consolidation of lots, as required. The lots need to be registered as 1 lot such that we do not have buildings and associated facilities straddling across lot boundaries prior to their occupation commencing, and their potential sale as individual lots. Following the activation of the consent, there are no conditions preventing the applicant from progressing the registration of lots into 1 title, concurrently with the construction and other approved works on site.</p>
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