



Administration Centre
62 Flushcombe Rd
BLACKTOWN NSW 2148
Telephone: (02) 9839 6000
Web: www.blacktown.nsw.gov.au
Email: council@blacktown.nsw.gov.au

DEVELOPMENT APPLICATION – NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.19

Applicant:
Darren Hunt
Level 51, 25 Martin Place
Sydney NSW 2000

Development Application No.
DA-25-00098
PAN-504536

Property Description: Lot 1 DP 1205360 Bessemer Street BLACKTOWN

Description: Construction and use of 2 warehouses with associated tree removal, car parking, signage, and civil works

Determination: Approval subject to conditions

Delegated authority of Director City Planning and Development on behalf of the Sydney Central City Planning Panel

Determination Date: 10 December 2025

Consent to Operate From: 10 December 2025

Consent to Lapse On: 10 December 2030

(If physical commencement has not occurred)

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development or a determination made by Council under Division 4.2 in respect of Crown applications. For further information please contact Luma Araim on 98396000

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per

A handwritten signature in black ink, appearing to read "Darren Hunt".

10 December 2025

1. ADVISORY NOTES

1.1 Terminology

1.1.1 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Part 6 of the Environmental Planning and Assessment Act 1979.

1.2 Scope of Consent

1.2.1 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 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, advertising structure or other development not being exempt development, and
- (c) demolition of any existing buildings and associated structures in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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

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

1.4 Services

1.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Recognised Energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

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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 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.
- 1.4.3 Prior to any future demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.
- 1.4.4 Telstra (and its authorised contractors) is the only company that is 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 or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.
- 1.4.5 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

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1.5 **Road Damage**

1.5.1 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.

1.6 **Endeavour Energy**

1.6.1 The applicant shall comply with Endeavour Energy's Concurrence and Referral advisory conditions dated 17 February 2025, standard advisory conditions 3, 8, 9, 11, 14, 16, 22, 26, 27, 28, 29, 32, 33 and 34 contained in its document '**Standard Conditions for Development Applications and Planning Proposals Version 10 – January 2025**'.

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	Prepared by
Site analysis plan DA011 – Issue A	8 January 2025	sba
Tree removal plan DA012 – Issue A	8 January 2025	sba
Site & warehouse plan DA100 - Issue B	30 July 2025	sba
Warehouse roof plan DA150 – Issue A	8 January 2025	sba
Warehouse A - office plan DA200 – Issue B	30 July 2025	sba
Warehouse B - office plans B1 & B2 DA201 – Issue A	8 January 2025	sba
Typical dock office plan & elevations DA202 – Issue A	8 January 2025	sba
Warehouse A elevations & section DA300 – Issue B	30 July 2025	sba
Warehouse B elevations & section DA301 – Issue A	8 January 2025	sba
Office A1 & A2 elevations DA400 – Issue B	30 July 2025	sba
Office B-1 elevations DA401 – Issue A	8 January 2025	sba
Office B-2 elevations DA402 – Issue A	8 January 2025	sba
Signage plan DA500 – Issue B	30 July 2025	sba

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Landscape Coversheet 000 Issue D	10 January 2025	Site Image
Landscape Legend and Plant Schedule 001 Issue D	10 January 2025	Site Image
Landscape Masterplan 002 Issue D	10 January 2025	Site Image
Landscape Plan 101 Issue D	10 January 2025	Site Image
Landscape Plan 102 Issue D	10 January 2025	Site Image
Landscape Plan 103 Issue D	10 January 2025	Site Image
Landscape Plan 104 Issue D	10 January 2025	Site Image
Landscape Plan 105 Issue D	10 January 2025	Site Image
Landscape Plan 106 Issue D	10 January 2025	Site Image
Landscape Details 501 Issue A	16 December 2024	Site Image
Existing & Proposed Tree Plan 701 – Issue D	10 January 2025	Site Image
Trees and Services Plan 702 – Issue C	10 January 2025	Site Image
Arboricultural Impact Assessment Report, Reference 9674.1.	11 December 2024	Redgum Horticultural – Arboriculture and Horticulture Consultants

**Unless modified by any conditions of this consent*

2.2 Suburb Name

2.2.1 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:

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Suburb: Blacktown

2.3 Sydney Water conditions

2.3.1 Building Plan Approval (including Tree Planting Guidelines). The plans must be approved by Sydney Water prior to future demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

2.3.2 Tree Planting Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with Sydney Water assets see Sydney Water webpage 'Wastewater blockages'. For guidance on how to plant trees near Sydney Water assets, see Diagram 5 – Planting Trees within Sydney Water's **Technical guidelines – Building over and adjacent to pipe assets**

2.3.3 Trade Wastewater Requirements If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

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2.3.4 Backflow Prevention Requirements Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating.

Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflowprevention.htm>

2.3.5 Water Efficiency Recommendations Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managingyour-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business. It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

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2.3.6 **Contingency Plan Recommendations** Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15 meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:
<https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercialtrade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au

2.4 Endeavour Energy

2.4.1 The applicant shall comply with Endeavour Energy's Concurrence and Referral conditions dated 17 February 2025, standard conditions 2, 4, 5, 12, 13, 18, 20, 23, 24, 25, 31 and 37 contained in its document '**Standard Conditions for Development Applications and Planning Proposals Version 10 – January 2025**'.

2.5 Engineering Matters

2.5.1 Design and Works Specification

2.5.1.1 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

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- (e) Blacktown City Council On-Site Detention General Guidelines, S3QM online tool and standard drawing A(BS)175M
- (f) On-Site Stormwater Detention Handbook - Upper Parramatta River Catchment Trust FOURTH Edition.

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.

2.5.1.2 The Applicant is required to submit to Council bonds and/or contributions for works associated with the development in conjunction with the civil engineering works required to be constructed as part of this development. Works may include:

- Path paving construction
- Final layer asphaltic concrete (AC) construction
- Maintenance of the construction works

These matters will be individually addressed within the consent

Note: A bond release inspection fee will apply.

2.5.1.3 Prior to release of any bond securities held by Council for civil engineering works, the payment of a bond release inspection fee in accordance with Council's Goods and Services Pricing Schedule must be made.

2.5.1.4 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 Approval.

2.5.2 Other Necessary Approvals

2.5.2.1 A separate application will be required for the following approvals, under the Local Government Act 1993 and/or the Roads Act 1993.

- Vehicular crossing
- Works on or occupation of existing public roads (Not including works covered by a Roads Act Approval)

2.5.3 Subdivision

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2.5.3.1 Principal Certifying Authority - Blacktown City Council shall be the Principal Certifying Authority for the proposed subdivision and issue the Subdivision Certificate.

2.6 Other Matters

2.6.1 No construction preparatory work (such as, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued.

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

3.1.1 A Construction Certificate or Subdivision Works 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 Footpath/Road Condition Assessment Fee

3.2.1 A footpath/road condition assessment fee is to be paid prior to the issue of any Construction Certificate. The applicable fee will be charged in accordance with Council's [Goods and Services Pricing Schedule](#).

Council will undertake an initial inspection of civil assets outside the development site. The applicant will be held liable for any damage arising from construction activities. Council will undertake reinstatement works and recover the costs from the applicant, which will be charged in accordance with Council's current Goods and Services Pricing Schedule in effect at the time of the work.

3.3 Drainage Conditions

3.3.1 The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets of Blacktown City Council Development Control Plan for the entire site for the life of the development

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45

3.3.2 The registered proprietor/lessee is to provide to Council's WSUD Compliance Officer a report outlining all maintenance undertaken on the Stormwater Quality Improvement Devices installed in accordance with the approved maintenance schedule. All material removed are to be disposed of in an approved manner.

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Copies are to be provided of all contractor's cleaning reports or certificates to Council's WSUD Compliance Officer.

3.3.3 Each year the registered proprietor/lessee is to provide to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au a report outlining all non-potable water used annually and the percentage of non-potable reuse.

4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

4.1 Section 7.11 Contributions under Section 7.17 Directions

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 Environmental Planning & Assessment Act 1979 must be paid.

These payments contribute to the provision of the local infrastructure specified in the contribution/s plan specified below.

The amounts below are as at 21 November 2025. They WILL BE INDEXED from this date to the date of 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.

Contribution Item	Amount
Flood Mitigation	\$127,288.00

The contribution(s) will be indexed according to index specified in the contributions plan.

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:

Section 7.11 Contributions Plan No. 19 – Blacktown Growth Precinct

The Section 7.11 contribution(s) have been based on the potential additional population nominated below. Should amendments change the potential additional population, the Section 7.11 contribution(s) will be adjusted accordingly.

Developable Area: 4.4820 hectares

4.2 Housing and productivity contribution for development consents

(a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made:

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Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$225,471.06
Total housing and productivity contribution	\$225,471.06

Consent PPI number (Producer Price Index):

Current Indexation period - June 2025

Current Indexation value - 149.100

Base indexation value - 144.700

(b) The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

(c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate

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Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

- (d) The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- (e) If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - i the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - ii the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.
- If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b) at the time of payment.
- (f) Despite condition (a), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution.

4.3 Aesthetics

- 4.3.1 The reflectivity index of glass used in the external facade of the buildings is not to exceed 20 percent.
- 4.3.2 Any bathroom or w.c. window in the external wall of the building shall be fitted with translucent glazing.

4.4 Access/Parking

- 4.4.1 A minimum of 202 line marked car parking spaces are required to be provided on site and are to be designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:

Uncovered car spaces 2.5 m x 5.4 m

Disabled car spaces 2.4 m x 5.4 m (plus shared zone)

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- 4.4.2 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 4.4.3 The design of the car parking area is to ensure that all vehicles must enter and leave the site in a forward direction.
- 4.4.4 All new internal driveways and other new paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 4.4.5 Pedestrian access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6 and AS1428.1 - 2009.
- 4.4.6 The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be designed in accordance with Australian Standard 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles.

4.5 Tree Protection & Removal

- 4.5.1 Prior to issue of a Construction Certificate, a Project Arborist is to be appointed for the duration of the works on site. The Project Arborist must hold a minimum qualification of Australian Qualification Framework (AQF) Level 5 in arboriculture and have Public Liability Insurance (minimum \$20 million) for the duration of the project. The name and contact details of the Project Arborist are to be notified to Council prior to the commencement of any works on site, including demolition.
- 4.5.2 An AQF Level 5 Consulting Arborist needs to be engaged to supervise work within the TPZ, provide advice regarding tree protection and monitor compliance. The Consulting Arborist must be appointed before demolition of any existing structures or earthworks. They are to register with the Developer before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. Hold points, inspections and certification are to be carried out by the Arborist.
- 4.5.3 The applicant who has the benefit of the development is to pay a tree preservation bond for any street tree being retained. This is to ensure the retention and protection of the trees are in line with AS 4970-2009. The bond amount will be returned 12 months following the issue of the final occupation certificate and following the submission of a final report by the Applicant's project Arborist. The final assessment report is to be presented to Council to provide advice on the retained tree's health and structure and to decide on any Bond return to the applicant.
- 4.5.4 The confirmation about the health and structure of the trees will be done following an inspection by an authorised officer from Council's Greenspace Services section with the recommendations in the final report considered.
- 4.5.5 Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request for the return of the tree preservation bond as noted above.

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- 4.5.6 The tree protection measures implemented in accordance with the AIA are to be installed prior to construction commences.
- 4.5.7 Unless specific approval is given in this consent, no trees, located within the site, within the Council road reserve (verge/nature strip) or any adjoining land, may be removed or pruned during future works.
- 4.5.8 Any tree not indicated to have consent for removal shall be effectively protected against damage as specified in the Tree Protection Plan.
- 4.5.9 Tree Protection measures must be installed before work begins.

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 or Subdivision Works Certificate can be issued.
- 5.1.2 The engineering drawings referred to below are not for construction. The Construction Certificate drawings shall be generally in accordance with the approved drawings and conditions of consent. Any significant variation to the design shall require a section 4.55 application.

Construction Certificate plans shall be generally in accordance with the following drawings and relevant Consent conditions:

Prepared By	Project No	Revision	Dated
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-00001	D	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-00002	D	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-00404	H	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-02001	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-02101	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-03101	E	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04001	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04101	L	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04301	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04302	A	18.09.2025

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TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04303	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04304	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04305	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04306	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04501	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04510	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04511	D	30.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04512	D	30.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04601	F	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04701	D	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04801	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04901	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04902	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-04903	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-06501	A	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-07001	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-07101	D	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-07501	C	18.09.2025
TTW Structural Civil Traffic Facade	241066-TTW-00-DR-CI-07502	C	18.09.2025

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

5.2 Drainage Conditions

- 5.2.1 The minimum required floor level of warehouse A is to be 38.75 m AHD.
- 5.2.2 The minimum required floor level of warehouse B is to be 38.70 m AHD.
- 5.2.3 A Flood Risk Management Plan is to be prepared by an experienced Chartered

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hydraulic engineer registered on NER to address emergency flood management of the site including the use of appropriate of warning signs. The Plan is to incorporate maintenance free measures into the development to ensure the timely, orderly and safe evacuation of people from the area if required should a flood occur. Any requirements of the Plan are to be implemented prior to occupation. A colour laminated copy of the Flood Management Plan is to be permanently affixed within each warehouse to the inside of a kitchen or laundry cupboard door.

5.2.4 Structural design certification is required for the dwelling by an experienced chartered structural engineer registered on NER, indicating that the structure of each warehouse building has been designed to withstand all flood impacts prior to release of the Construction Certificate. The certificate should consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces for a flow 0.3 m above the 1 in 1% AEP flow level. Allow for a velocity of 1 m/s adjacent to the structure.

5.2.5 Architectural plans are to be amended to meet the requirements under Council's DCP Part J 2015 and Council's Engineering Guide for Development 2005. The amended plans must address the following:

- i. Provide Floodway Warning Signs on the north eastern and southwestern boundary fences adjacent to the front setback area in accordance with Plan A(BS)114S from Council's Engineering Guide for Development 2005.

5.2.6 Amended drainage plans from TTW Consultants for the warehouse development are to address the following;

- i. Indicate the size of subsoil pipelines as 150mm for the extended bioretention area.
- ii. Provide minimum of 500 mm depth of filter media, a 450 mm depth of transition layer and a minimum 200 mm gravel layer for the extended bioretention tank area;
- iii. On drawing 4901 (B),
 - a) indicate the water quality system as 'Stormfilter Tank A'.
 - b) amend the cartridge size to 460mm on plan.
 - c) set the Stormfilter weir height to 550mm above the false floor level on Section A.
- iv. On drawing 4902 (B), indicate 690mm cartridge size on plan for Stormfilter tank B.
- v. On drawing 4903 (B), set the Stormfilter weir height to 770mm above the false floor level on Section A for Stormfilter tank C.
- vi. Confined space entry warning signs are to be detailed on the drainage plans

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adjacent to all entries into the OSD tank, Stormfilter tanks and rainwater tanks.

5.2.7 Revised Landscape plans are required in accordance with the Council's WSUD Standard Drawings A(BS)175M Sheet 12 that include appropriate species for the extended bioretention system. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. To ensure diversity and disease resistance a minimum of 10 different species is required planted as a matrix. No mulch is permitted over the bioretention however jutemat is accepted. Where the banks of the basin are turfed a minimum 200 mm wide concrete mowing strip is required adjacent to the bioretention to minimise grass intrusion into the bioretention.

5.2.8 An experienced chartered hydraulic engineer is to prepare and certify a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the whole 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 pipes and tanks arrangement including:

- i) a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank for a first flush),
- ii) a pump with isolation valves;
- iii) a solenoid controlled mains water bypass;
- iv) flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
- v) an inline filter and preferably an automatic backwash inline filter;
- vi) a control panel with warning light to indicate pump failure;
- vii) a timer and control box for landscape watering and
- viii) an irrigation watering plan allowing for a minimum of 352 kL/yr from the 80kL rainwater tank and a minimum of 80 kL/yr from the 90kL rainwater tank accounting for seasonal variations;
- ix) providing a minimum tank size of 80 kL for warehouses A1 & A2 and a minimum tank size of 90 kL for warehouses B1 & B2;
- x) ensuring all the rainwater reuse pipes and taps are coloured purple.
- xi) all reuse taps accessible by children are to be lockable or have removable handles;
- xii) fitting rainwater warning signs to all external taps using rainwater.

5.2.9 Amended architectural plans are required for buildings, or parts of buildings, that

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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. 5 star taps (for all taps other than bath taps);
- iv. 3 star urinals; and
- v. 3 star water efficient washing machines and dishwashers are to be specified

5.2.10 Provide details for permanent coloured interpretive signage minimum A0 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 tanks 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 water quality device in a location that can be viewed by the public. The wording and detail are to be approved by Council. Details are on Chapter 14 of Council's WSUD developer handbook.

5.2.11 The retaining walls shown on the drawings are to be designed and certified by a Structural Engineer registered with NER.

5.3 Local Government Act Requirements

5.3.1 Under Section 68 of the Local Government Act 1993 an approval for engineering work is required. These works include but are not limited to the following:

- Any works within a Council reserve
- Any works on adjoining land (outside the subject site boundaries)

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

5.4 Roads Act Requirements

5.4.1 Under Section 138 of the Roads Act 1993 an approval for engineering work is required. These works include but are not limited to the following:

- Any works within Council's road reserve
- Kerb inlet pit connections or construction.
- Vehicular crossings
- Path paving

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

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5.5 Other Engineering Requirements

- 5.5.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.
- 5.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 5.5.3 Submit written permission from the affected property owner for any works proposed on adjoining land.

5.6 Drainage

- 5.6.1 Drainage from the site must be connected into Council's existing drainage system.

5.7 Erosion and Sediment Control

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

5.8 On-Site Detention

- 5.8.1 On-site detention system shall be designed in accordance with the parameters set out in Council's Water Sensitive Urban Design Standard Drawings A(BS)175M On-site detention requirements - Sheet 20, or an S3QM Certificate
- 5.8.2 A registered engineer (NER) must certify 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.
 - The on-site stormwater detention system will perform to meet the on-site stormwater detention requirements and function hydraulically in general accordance with Council's Engineering Guide for Development, DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management, S3QM Deemed to comply tool and Councils Standard Drawing A(BS)175M.

5.9 Vehicular Crossings

- 5.9.1 Plans to demonstrate the construction a commercial and industrial vehicular crossing to Council's standard A(BS)103S.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 DA Plan Consistency

- 6.1.1 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.
- 6.1.2 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any

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adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:

- (a) Preserved and protected from damage, and
- (b) Underpinned and supported.

Such details shall accompany the Construction Certificate.

6.2 Building Code of Australia Compliance

6.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

7.1 Any areas contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- o NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
- o NSW Environment Protection Authority's Sampling Design Guidelines – Part 1 (Application) Part 2 (Interpretation) (2020).
- o NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- o National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
- o NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014)

7.2 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

7.3 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)

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- 7.4 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "Your Guide to Working with Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.
- 7.5 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.
- 7.6 Construction Environmental Management Plan (to include at minimum: noise and vibration control, proposed schedule of works and hours of works, sediment and erosion control, dust control, salinity management plan, proposed means of controlling any activity that could potentially cause a pollution incident as defined by the Protection of the Environment Operations Act 1997).

8 PRIOR TO DEVELOPMENT WORKS (BUILDING)

- 8.1 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.
- 8.2 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.
- 8.3 To ensure safety and to minimise the effect on pedestrians, other road users and nearby residents, all construction traffic management procedures and systems identified in the approved Construction Site Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

9 DURING CONSTRUCTION (GREENSPACE)

- 9.1 No trees, located within the subject allotment, within the Council Road Reserve (verge/nature strip) or any adjoining allotments, may be removed or pruned unless specific approval is given in this consent.
- 9.2 All trees, not approved for removal, or pruning by the Conditions of this Development Consent, are required to be retained and protected. Tree Protection

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Measures, compliant with the provisions of AS4970-2009 Protection of trees on development sites, must be installed prior to the commencement of any works on site, including future demolition.

- 9.3 A Compliance Certificate is to be provided by the Project Arborist to the Principal Certifying Authority once the required Tree Protection Measures have been installed.
- 9.4 There must be no excavation, mechanical or by hand, or alteration to existing soil levels within the Tree Protection Zone of any tree required to be retained and protected.
- 9.5 Trees 1, 8, 16, 18, 24x2, 25x2, 26x3, 27- 41, 42x2, 43 to 57, 58, 59 - 64 and 76x5, identified for removal in Section 9 of the AIA are approved for removal.
- 9.6 Trees, not specifically identified in the AIA referenced above may NOT be removed under this development consent.
- 9.7 Trees approved for removal must be removed by a qualified Practicing Arborist, with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture and have Public Liability Insurance (minimum \$20 million).
- 9.8 All tree work must be carried out in accordance with the Safe Work Australia Guide to Managing Risks of Tree Trimming and Removal Work and Work Cover NSW Code of Practice – Amenity Tree Industry 1998.
- 9.9 Prior to the removal of any tree located on site the applicant shall:
 - Have all trees inspected, by a Practicing Arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 3 in Arboriculture, for the presence of hollows or potential hollows.
 - Prior to any works being undertaken on tree/s approved for removal or pruning, a person, holding a wildlife handling licence, must be present on site. If, during tree works, an animal or bird is located, the accredited handler is to direct removal/relocation of the animal as appropriate. Accredited handlers can be contacted through Wires (<https://www.wires.org.au/>) or Birdlife Australia (<https://birdlife.org.au/>).
- 9.10 Trees 2 - 7, 9 - 15, 17, 19 to 23 & 65 - 75, recommended for retention in Section 9 of the AIA and Tree Protection Plan (TPP) must be retained and protected.
- 9.11 Tree Protection, as specified in Section 7.5 – 7.13 and Section 14 of part B of the TMP is to be installed on site.
- 9.12 All sub-surface services (e.g. gas, water, electricity, stormwater, sewerage etc) are to be located outside of the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties and the Council Road Reserve (verge/nature strip).

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9.13 Under no circumstances are sub-surface services to be installed within the Structural Root Zone of a tree required to be retained and protected by this consent, including those located on adjoining properties.

9.14 Power poles, stormwater grate drains, service lines etc. are to be located to avoid any need to install services within a Tree Protection Zone or to excavate through a Tree Protection Zone. All such features are to be located so that they do not negatively impact on any tree required to be retained by this consent or which is located on an adjoining site. Only where there is no other viable option available are services to be installed within the Tree Protection Zone.

9.15 Where services are required to be installed within the Tree Protection Zone, the Project Arborist is to be consulted prior to the works being undertaken and appropriate, tree sensitive installation methods are to be used. Open excavation must only be used on the authorisation of the Project Arborist and must be completed by hand, use of mechanical digging tools is not permitted.

9.16 The Project Arborist is required to supervise and direct all work associated with the installation of sub-surface services within the Tree Protection Zone of any tree required to be retained and protected by this consent, including those located on adjoining properties.

9.17 During building work, including future demolition and landscape construction, the Project Arborist is to complete site inspections and/or supervision of work, as indicated in Section 14 of part B of the AIA.

9.18 The Project Arborist must be appointed before demolition of any existing structures or earthworks. They are to register with the Developer before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. Hold points, inspections and certification are to be carried out by the Arborist.

9.19 During building work, including (future) demolition and landscape construction, the Project Arborist is to carry out regular site monitoring, to ensure Tree Protection Measures are being maintained compliant with the requirements of this consent. Record of these site visits is to be sent to the Principal Certifying Authority.

9.20 Where a non-compliance with the conditions of this consent is identified, the Project Arborist is to notify the Principal Certifying Authority within three (3) working days from the date of the site visit. The notification must include the following details:

- Description of the non-compliance,
- Remedial actions required,
- Time frame for remedial actions to be completed.

9.21 The Principal Certifying Authority must ensure that the recommendations of the Project Arborist are implemented within the stated timeframes.

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10 DURING CONSTRUCTION (BUILDING)

10.1 Safety/Health/Amenity

10.1.1 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 69 (1) of the Environmental Planning and Assessment Regulation 2021 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.

10.1.2 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.

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

10.1.4 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.

10.1.5 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.

10.1.6 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

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- (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.

10.1.7 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.

10.2 Nuisance Control

10.2.1 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.

10.2.2 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.

10.3 Waste Control

10.3.1 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.

10.4 Construction Inspections

10.4.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

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Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notification of Works

- 11.1.1 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 5 business days prior to commencement of engineering works.
- 11.1.2 A notification of works flyer (letter drop) is to be provided to all residential housing, businesses and organisations adjacent to any engineering works approved by this consent. This is for works undertaken on Council controlled lands such as roads, drainage reserves and parks. The notification of works flyer must contain details of the proposed works, locality map of works, contact details and the anticipated time period. A signed copy of the notice is to be provided to Council's Engineering Approvals Team and is to show the date of the letter drop as well as highlight the area that received the notification.

11.2 Insurances

- 11.2.1 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 Indemnity and Workers Compensation.

11.3 Service Authority Approvals

- 11.3.1 Prior to the commencement for construction of footway crossings and driveways a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy. The clearance shall notify that all necessary ducts have been provided under the proposed crossing.

11.4 Tree Protection and Preservation

- 11.4.1 Existing vegetation and trees shall be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.

11.5 Soil Erosion and Sediment Control Measures

- 11.5.1 Soil erosion and sediment control measures onsite shall be implemented,

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maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

- 11.5.2 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.
- 11.5.3 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 specification. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is deemed inadequate.

11.6 Filling in Contaminated Land

- 11.6.1 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.

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

- 11.7.1 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 Certifier for the development, compliance certificates issued by accredited certifiers in lieu of council inspections will only be accepted by prior agreement or by Council request. 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.

11.8 Inspection of Engineering Works - Roads Act 1993 or Local Government Act 1993

- 11.8.1 All inspection(s) required by this consent for any engineering works that are approved under the Roads Act 1993 or Local Government Act 1993 must be made by Council's Development Overseers.

Inspections must be pre-booked with a minimum 24 hours' notice. Council's Development Overseers may be contacted on 02 9839 6586 between 6 am – 7 am, Monday to Friday. Note: A site inspection is required prior to commencement of

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work. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

11.9 **Traffic Control**

- 11.9.1 Any "Traffic Control Plan" utilised for engineering works required by this consent must be prepared by a person who holds a current Roads and Maritime Services (RMS) Work Zone Traffic Management Plan accreditation and photo card 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 - 2009.
- 11.9.2 Traffic control devices/facilities (i.e. barricades, signs, lights, etc.) required by the certified Traffic Control Plan must be setup, installed, monitored and maintained and by a person who holds a current Roads and Maritime Services (RMS) accreditation and photo card to implement Traffic Control Plans.
- 11.9.3 Persons undertaking the control of traffic through or around work sites on Council controlled roads must hold a current Roads and Maritime Services (RMS) Traffic Controller accreditation and photo card and carry it with them.
- 11.9.4 The applicant is advised that prior to implementation of any traffic control system and during the entire course of construction suitably qualified Roads and Maritime Services (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 - 2009.
- 11.9.5 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 person who holds a current Roads and Maritime Services (RMS) accreditation to prepare a Work Zone Traffic Management Plan. This Plan must satisfy all the requirements of AS 1742.3 – 2009 and the current version of the RMS Traffic Control at Work Sites manual and shall be submitted to Council prior to implementation.

11.10 **Drainage Condition**

- (a) All required building slab levels shall be checked and certified by a Registered Surveyor confirming that all minimum floor levels have been achieved before pouring the concrete slabs.
- (b) The building is to have flood compatible building components up to the finished floor level.
- (c) Any air conditioning units, external power points and hot water service installed for the warehouse buildings are to be set at or above the finished floor level.

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- (d) All the 200 micron OceanGuards and the twelve 460mm high and the fifty eight 690mm high Stormfilter cartridges supplied by Ocean Protect are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.
- (e) Provide certification prior to placement of the liner for the extended bioretention area that the total minimum filter area of 980 m² can be achieved excluding all pits and scour protection and that the base is free of rocks and debris.
- (f) Provide certification prior to placement, that the bioretention filter media ex-bin (for the extended bioretention area) has:
 - i A minimum hydraulic conductivity as defined by ASTM F1815-11 of 250 mm/hr (actual, not predicted)
 - ii A maximum hydraulic conductivity as defined by ASTM F1815-11 of 700 mm/hr (actual, not predicted)
 - iii A pH between 5.5 to 7.
 - iv An Orthophosphate content < 20 mg/kg
 - v A Total Nitrogen content < 900 mg/kg
 - vi Is not hydrophobic.

11.10.1 Provide certification prior to placement in the extended bioretention basin area, that the transition layer material ex-bin:

- i Is a clean, washed well-graded coarse sand or coarse sand blend containing little or no fines (< 2%), and

ii Satisfies the bridging criteria $D_{15} \text{ (transition layer)} \leq 4 \times D_{85} \text{ (filter media)}$

where: D_{15} is the 15th percentile particle size in the transition layer material (i.e., 15% of the sand is smaller than D_{15} mm), and

D_{85} is the 85th percentile particle size in the filter media.

- iii. Satisfies the hydraulic conductivity criteria $D_{15} \text{ (transition layer)} \geq D_{15} \text{ (filter media)} \times 3$.

11.10.2 Provide certification prior to placement in the extended bioretention basin area, that the drainage layer material ex-bin:

- i Is a clean washed 5-7 mm gravel, such as washed screenings.

ii Satisfies the bridging criteria $D_{15} \text{ (drainage layer)} \leq 4 \times D_{85} \text{ (transition layer)}$

where: D_{15} (drainage layer) is the 15th percentile particle size in the drainage layer material (i.e., 15% of the gravel is smaller than D_{15} mm), and

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D85 (transition layer) is the 85th percentile particle size in the transition layer material.

- iii Satisfies the hydraulic conductivity criteria $D_{15} \text{ (drainage layer)} \geq D_{15} \text{ (transition layer)} \times 3$.

11.10.3 No fertiliser or additional nutrient material is to be provided to the bio-retention basin filter area during planting of the tube stock, or at any time.

11.10.4 An engineer is to certify that the installation of the liner, subsoil pipes and each layer of the bioretention matches the design requirement. Include photo evidence.

11.10.5 The filter media in the bio-retention area is not to be installed or bio-retention plants installed until the building works, internal road, car park pavement and driveways have been completed.

11.10.6 A plumber licensed with NSW Fair Trading is to undertake flow testing of the non-potable water reuse system to verify that all the toilets are capable of being supplied by rainwater and that there is no cross mixing with the potable water supply.

12 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

12.1 The recommendations made in Noise Impact Assessment, prepared by RWDI Australia Pty Ltd, report no. 2508326, dated 20 December 2024 are to be implemented.

12.2 An 'unexpected finds' policy (UFP) should be prepared and implemented for the proposed site redevelopment works.

12.3 Any new information during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to Blacktown City Council.

12.4 All areas potentially/ contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report. The validation report shall be carried out in accordance with;

- o NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
- o NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
- o NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
- o National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
- o NSW Environment Protection Authority's Waste Classification Guidelines

12.5 A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit

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Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- 12.6 Any materials requiring off-site disposal will need to be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines (2014)]
- 12.7 Any asbestos material is to be handled and treated in accordance with the SafeWork NSW document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" dated March 2008.

13 DURING CONSTRUCTION (GREENSPACE)

- 13.1 Implement the approved Landscape Plans by Site Image dated 10 January 2025. Landscape works shall conform to planting densities as scheduled, with all plants at nominated pot sizes and spacings and be maintained for a minimum of 52 weeks to achieve continuous healthy growth.

14 PRIOR TO OCCUPATION AND COMMENCEMENT OF USE (PLANNING)

14.1 Service Authority Approvals

- 14.1.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to Occupation and commencement of use:
 - (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
 - (b) 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.

14.2 Landscaping

- 14.2.1 All landscaping shall be completed in accordance with the approved landscape plans.

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- 14.2.2 Prior to the issue of an Occupation Certificate, the Project Arborist is to provide certification, to the Principal Certifying Authority, that the Tree Protection Measures, as required by the conditions of this consent, have been implemented and maintained during the project. This will assist with assessing the Occupation Certificate requirements and the return of any Tree Preservation Bonds to the applicant.
- 14.2.3 The trees retained for the development must be in good health and condition to receive the Occupation Certificate. The applicant must follow the recommendations in the Tree Protection Plan.

15 PRIOR TO OCCUPATION CERTIFICATE (BUILDING)

15.1 Compliance with Conditions

- 15.1.1 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.
- 15.1.2 Prior to commencement of the occupation or use of the whole or any part of a new building, or commencement of a change of building use for the whole or any part of an existing building, it is necessary to obtain an Occupation Certificate from the Principal Certifier in accordance with the provisions of Section 6.9 of the *Environmental Planning and Assessment Act 1979*.

16 PRIOR TO OCCUPATION CERTIFICATE (ENGINEERING)

16.1 Road Damage

- 16.1.1 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.

16.2 Engineering Matters

16.2.1 Surveys/Certificates/Works As Executed plans

- 16.2.1.1 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 colour soft copy (on a CD/USB with file format .PDF) of the WAE plans are to be submitted to Council. All engineering WAE plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

16.2.1.2 The Work-as-Executed (WAE) plan must confirm that the On-Site Detention system

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identification plate has been installed in accordance with the Upper Parramatta River Catchment Trust Guidelines.

16.2.1.3 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.

16.2.1.4 A Certificate from a Registered Engineer (NER) must be lodged with Council verifying that pier and beam style construction was used adjacent to the easement to the depth of the invert of the pipeline.

16.2.1.5 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.

Where Council has been nominated or defaulted as the nominee for engineering compliance, final inspections can be arranged through Council's Coordinator of Engineering Approvals contactable on (02) 9839 6263. A final inspection checklist must be completed by the applicant prior to the final inspection.

16.2.1.6 This development requires separate approvals under the Roads Act 1993 and / or Local Government Act 1993. Prior to the issue of an Occupation Certificate, the applicant must obtain written confirmation from Council that these works have been completed to its satisfaction.

16.2.2 Easements/Restrictions/Positive Covenants

16.2.2.1 Any covenant(s) 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 covenants, easements and restrictions as accepted by NSW Land Registry Services.

16.2.3 Drainage Conditions:

16.2.3.1 A registered surveyor is to certify that

- i. the minimum finished floor level of warehouse A1 is at above the minimum required level of 38.75 m AHD.
- ii. the minimum finished floor level of warehouse A2 is at above the minimum required level of 38.70 m AHD.

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- iii. the minimum finished floor level of warehouse B1 is at above the minimum required level of 39.85 m AHD.
- iv. the minimum finished floor level of warehouse B2 is at above the minimum required level of 39.55 m AHD.
- v. any air conditioning units, external power points and hot water service installed for the warehouse buildings are at or above the minimum finished floor levels.
- vi. the Floodway Warning Signs have been installed on all the driveway entries and exit points, on the eastern boundary fences/walls and in the carpark area south of Warehouse B2.
- vii. a colour laminated copy of the Flood Risk Management Plan has been permanently affixed within each warehouse to the inside of a kitchen or laundry cupboard door.

16.2.3.2 A Chartered Civil Engineer registered with NER, is to certify that:

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. the extended bioretention system has been installed so that the minimum total filter media area is 980m² is achieved for the bioretention basin clear of pits, flow spreaders and scour protection;
- iii. the extended bioretention basin is enclosed with a minimum 1.5mm HDPE or equivalent liner with geotextile over and under;
- iv. the bioretention subsoil lines for the extended bioretention are un-socked slotted 150 mm PVC pipe laid flat with a minimum 50 mm gravel cover;
- v. there is no geotextile between the layers of the bio-retention basin;
- vi. the extended bioretention system having a minimum of 500 mm of filter media, a 450 mm transition layer and a minimum 200 mm gravel layer with liners;
- vii. the minimum total detention storage of 339 m³ has been provided below the 50% AEP weir and a total of 515 m³ has been provided below the 1% AEP emergency overflow weir in the detention basin;
- viii. the minimum detention storage of 458 m³ has been provided below the 50% AEP weir and a total of 694 m³ has been provided below the 1% AEP emergency overflow weir in the OSD tank;
- ix. the orifice sizes of the OSD basin and the OSD tank match the approved plans;
- x. a minimum 80 kL rainwater tank has been provided collecting roof water from a minimum 9598 m² of roof area of warehouses A1 and A2;
- xi. a minimum 90 kL rainwater tank has been provided collecting roof water from a minimum 14049 m² of roof area of warehouses B1 and B2;

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- xii. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council;
- xiii. the interpretative water quality sign has been correctly installed;

16.2.3.3. Ocean Protect is to certify for the installation of the 200 micron Oceanguards and Stormfilters that:

- a. They are installed in accordance with the Ocean Protect standard operational guidelines and production drawings;
- b. All the '200 micron' Oceanguards have been installed correctly;
- c. A minimum of twelve 460mm high Stormfilter cartridges have been installed for Stormfilter tank A;
- d. A minimum of forty 690mm high Stormfilter cartridges have been installed for Stormfilter tank B;
- e. A minimum of eighteen 690mm high Stormfilter cartridges have been installed for Stormfilter tank C;
- f. The oil baffles for the Stormfilter tanks have been installed;
- g. The Stormfilter weir length of each Stormfilter tank matches the approved plan;
- h. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tank.

16.2.3.4 A plumber licensed with NSW Fair Trading, or experienced hydraulic engineer, is to certify that:

- i. All the toilets non-potable water uses within the warehouse buildings are being supplied by rainwater;
- ii. The flow meters have been installed on the pump outflow and the solenoid-controlled mains water bypass to determine non-potable usage and actual percentage of reuse;
- iii. The initial flow meter readings are detailed in the certificate;
- iv. The pumps, alarms and all other systems are working correctly;
- v. The water from at least two toilets from each building have been tested to show no chlorine residual;
- vi. Rainwater warning signs are fitted to all external taps using rainwater;
- vii. A signed, works-as-executed Non-Potable Water Supply & Irrigation Plan is to be provided to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au

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16.2.3.5 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. 5 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. 3 star Water efficient washing machines and dishwashers have been used.

16.2.4 EASEMENTS/RESTRICTIONS/POSITIVE COVENANTS

16.2.4.1 Prior to the issue of the Occupation certificate, the applicant shall provide a Positive covenant and Restriction on the use of land over the WSUD systems installed on the property. The Positive covenant and Restriction on the use of land is to be accordance with Appendix F of Council's Engineering Guide for Development. The Positive covenant and Restriction on the use of land is to be endorsed by Council and lodged with New South Wales Land Registry Services. The applicant shall submit documentary evidence of the lodgement and execution of the Positive covenant and Restriction on the use of land to Council prior to the issue of the final Occupation certificate. The WSUD system is On-Site Detention Systems, Stormfilters and rainwater tanks.

16.2.5 OTHER MATTERS

16.2.5.1 Prior to the issue of the Occupation certificate, the applicant shall submit to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au documentation that identifies the correct locations, types, models, and model numbers of assets that form the WSUD systems installed on the whole site. The documentation is to include the final version of the Stormwater management report and certified and signed stormwater Works-as-executed plans. Note this assessment noted On-Site Detention Systems, Stormfilters and rainwater tanks.

16.2.5.2 Prior to the issue of the Occupation certificate, the applicant shall provide a Maintenance schedule for the WSUD system installed within the whole site. The Maintenance schedule is to be prepared in accordance with the Maintenance schedule template and WSUD inspection and maintenance guidelines available on Council's website. The applicant shall submit the Maintenance schedule to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au for approval.

16.2.5.3 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

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16.2.6 Inspections

16.2.6.1 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.

16.2.7 CCTV Inspection of Stormwater Drainage Structures

16.2.7.1 All road stormwater drainage structures (pipelines and pits) must be inspected via CCTV after completion of road pavement construction works (excluding any deferred AC works) and the provision of all public utility services in accordance with Council's current Works Specification Civil. CCTV reports must be submitted to council in the form of video footage of the inspections, a copy of the SEWRAT (or equivalent) report, and a certified CCTV statement in accordance with section 6.8 of Council's Works Specification Civil indicating that any defects identified by this inspection have been rectified.

17 PRIOR TO OCCUPATION (ENVIRONMENTAL HEALTH)

17.1 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

17.2 A Construction Environmental Management Plan (to include at minimum: noise and vibration control, proposed schedule of works and hours of works, sediment and erosion control, dust control, salinity management plan, proposed means of controlling any activity that could potentially cause a pollution incident as defined by POEO) must be submitted to Council.

17.3 The Applicant must engage a suitably qualified environmental consultant to prepare a Long Term Environmental Management Plan (LTEMP) for the ongoing protection, maintenance and management of the proposed asbestos containment cell (Containment Cell) in compliance with all applicable laws and industry best practice.

17.4 The LTEMP is to include all measures necessary or appropriate to ensure the effective containment within the Containment Cell of all substances which are proposed for inclusion within the Containment Cell in perpetuity, and to protect the health of the environment and site users, and to ensure the suitability of the site for its proposed use. Evidence of this is to be provided to Council prior to the issue of an Occupation Certificate.

17.5 The LTEMP is to be prepared to the satisfaction of a NSW EPA Accredited Site Auditor and Council. Evidence of this is to be provided to Council prior to the issue of an Occupation Certificate.

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.
- (c) It is in the public interest that they be imposed.

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17.6 The LTEMP is to be attached to the Site Audit Statement confirming the site is suitable for the proposed use. Evidence of this is to be provided to Council prior to the issue of an Occupation Certificate.

17.7 The site is to be managed in accordance with the LTEMP.

17.8 Prior to the issue of an Occupation Certificate, evidence is to be provided to Council that a Section 88B Instrument and Deposited Plan which satisfy the following requirements and which have been approved by Council have been registered on title to the site of the Containment Cell:

- (a) the Section 88B Instrument must be accompanied by a Deposited Plan for the site which identifies the Containment Cell with clear delineation and refers to the Section 88B Instrument in connection with the Containment Cell;
- (b) the Section 88B Instrument must annex a copy of the LTEMP;
- (c) the Section 88B instrument must contain a Public Positive Covenant which:
 - (i) identifies that the site contains the Containment Cell and is subject to the LTEMP;
 - (ii) requires the registered proprietor (and its successors) to:
 - A. implement the LTEMP in full and manage the site in accordance with the LTEMP;
 - B. ensure that the Containment Cell is secure at all times and there is no leak, leaching or escape of the contents of the Containment Cell or any other failure of the Containment Cell;
 - C. keep the Containment Cell and the surface of the land on which the Containment Cell is located free from rubbish and debris;
 - D. ensure that the Containment Cell is accessible only by the registered proprietor for inspection, maintenance and repair purposes in accordance with the LTEMP;
 - E. remediate and make good any contamination or migrating contamination, loss or damage occurring in connection with the use or operation of the Containment Cell, or as a result of any failure to comply with the LTEMP, to a standard acceptable to Council;
 - F. upon becoming aware of an actual or likely non-compliance with the terms of the covenant, or upon reasonably suspecting one, inform Council in writing immediately, provide any information Council requests and do all things necessary to stop the non-compliance from occurring or continuing;

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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- G. for the purposes of ensuring observance of the covenant, permit Council to enter and remain on the site and to take such other steps as Council considers appropriate, including inspecting the condition of the Containment Cell and the area around it;
- H. comply with the terms of any written notice issued by Council which requires the registered proprietor to do something which Council (acting reasonably) considers is necessary to ensure compliance with the terms of the covenant within the time frame specified in that notice and provide Council with such evidence of compliance, or progress in complying, as Council (acting reasonably) requests;

(iii) acknowledges that, in the event that the registered proprietor (or any successor) fails to comply with the terms of any such written notice, Council may:

- A. enter and remain on the site with all necessary equipment and carry out any works and do such other things as Council considers reasonable to comply with that notice;
- B. recover from the registered proprietor any cost, loss or expense which Council reasonably incurs in doing so, including legal costs and disbursements on an indemnity basis;

(iv) provides that the registered proprietor will be responsible for and indemnifies Council against all liabilities (including all costs, expenses, losses, damages and other liabilities of any kind) which Council suffers or incurs as a consequence of any breach of the terms of the covenant;

(v) provides that the registered proprietor may, subject to complying with all applicable laws, amend the LTEMP with the prior written consent of Council, and that any amendment of the LTEMP will not be effective until a copy of the amended LTEMP, as approved by Council, is registered on title to the site. Evidence of the registration of any amended LTEMP is to be immediately provided to Council;

(vi) cannot be released, varied or modified without the consent of Council; and

(vii) complies with any other requirements of, and contains any other terms required by, Council;

(d) the Section 88B instrument must contain a Restriction on the Use of Land which:

(i) identifies that the site contains the Containment Cell and is subject to the LTEMP;

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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- (ii) prohibits the registered proprietor (and its successors) from:
 - A. doing or permitting the doing of anything which is contrary to, or is inconsistent with, the LTEMP;
 - B. allowing anyone to access the Containment Cell for any purpose other than for inspection, maintenance or repairs as required under the LTEMP; or
 - C. doing or permitting the doing of anything which causes or may cause any contamination or any migrating contamination;
- (iii) provides that the registered proprietor (and any successor) will be responsible for and indemnifies Council against all liabilities (including all costs, expenses, losses, damages and other liabilities of any kind) which Council suffers or incurs as a consequence of any breach of the terms of the restriction by the registered proprietor;
- (iv) cannot be released, varied or modified without the consent of Council; and
- (v) complies with any other requirements of, and contains any other terms required by, Council; and

(e) the Section 88B Instrument must contain a statement to the effect that it is intended to be created on registration or recording of the deposited plan, as if it had been imposed under section 88E of the Conveyancing Act.

18 OPERATIONAL (PLANNING)

18.1 General

- 18.1.1 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 18.1.2 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 18.1.3 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.
- 18.1.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

18.2 Landscaping

- 18.2.1 All landscaping areas provided in accordance with the approved landscaping design must be maintained and trees protected at all times.

18.3 Use of Premises

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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- 18.3.1 The premises may operate 24 hours a day, 7 days per week.
- 18.3.2 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 18.3.3 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", "Complying Development" or "Development without Consent" under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other environmental planning instrument.

19 OPERATIONAL (ENVIRONMENTAL HEALTH)

- 19.1 The Recommendations made in the Noise Impact Assessment, prepared by RWDI Australia Pty Ltd, report no. 2508326, dated 20 December 2024 are to be implemented.
- 19.2 The Plan of Management shall be implemented.
- 19.3 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 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) and shall be submitted to Council for consideration.
- 19.4 A post commissioning report must be produced by an 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) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment s findings. The report is to be submitted to Council to review.
- 19.5 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.
- 19.6 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.

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19.7 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.

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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