

DEVELOPMENT APPLICATION – NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979

Sections 4.16, 4.17 & 4.19

Applicant

J Bryant - Willowtree Planning
Suite 204, Level 2, Walker Street
North Sydney, NSW 2060

Development Application No. DA-25-00516

PAN-525374

Property Description: Lot 6545 DP 1264777, Aerodrome Drive, Nirimba Fields

Description: Development of Akuna Vista local centre comprising a Woolworths supermarket with supporting retail uses and amenities within an internal mall at ground floor; commercial premises and team offices at first floor, provision of at grade and basement car parking with landscaping, a loading dock and business identification signage.

Determination: *Approval, subject to conditions*

Determination Date: *5 December 2025*

Consent to Operate From: *5 December 2025*

Consent to Lapse On: *5 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 Bertha Gunawan.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per



5 December 2025

1 ADVISORY NOTES

1.1 Terminology

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

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

1.2 Other Approvals

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

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

- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 m from the building perimeter, and
- (b) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of vehicular footway crossings servicing the development

1.3 Services

1.3.1 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

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

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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.

- 1.3.2 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.
- 1.3.3 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.
- 1.3.4 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.

1.4 Road Damage

- 1.4.1 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.

1.5 Environmental Health

- 1.5.1 Should any food or public health related commercial activities be proposed beyond the scope of this approval, the use and fit out of the premises shall be lodged to Council for a separate approval and consent.

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:

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Drawing No.	Dated	Prepared by
DA001 – Development Summary	10/03/2025	Nettleton Tribe Pty Ltd
DA002-Site Analysis Plan	10/03/2025	Nettleton Tribe Pty Ltd
DA004- Heritage Interpretation strategy	10/03/2025	Nettleton Tribe Pty Ltd
DA010 – Site Plan	10/03/2025	Nettleton Tribe Pty Ltd
DA101 – Basement Floor Plan	10/03/2025	Nettleton Tribe Pty Ltd
DA102 – Ground Floor Plan	13/08/2025	Nettleton Tribe Pty Ltd
DA103 – First Floor Plan	10/03/2025	Nettleton Tribe Pty Ltd
DA104 – Roof Plan	10/03/2025	Nettleton Tribe Pty Ltd
DA201 – Building Elevations Sheet 1	10/03/2025	Nettleton Tribe Pty Ltd
DA202 – Building Elevations Sheet 2	10/03/2025	Nettleton Tribe Pty Ltd
DA301 – Building Sections	10/03/2025	Nettleton Tribe Pty Ltd
DA501 – Signage Plan and Schedule	10/03/2025	Nettleton Tribe Pty Ltd
DA601- Shadow diagram	10/03/2025	Nettleton Tribe Pty Ltd

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DA901 - 3D Perspectives sheet 1	10/03/2025	Nettleton Tribe Pty Ltd
DA902 - 3D perspectives sheet 2	10/03/2025	Nettleton Tribe Pty Ltd
DA102 Rev 2– Ground Floor Plan (shade sail location)	25/07/2025	Nettleton Tribe Pty Ltd
Landscape Diagrams (no: 240171)	14/03/2025	Place Design Group
Concept Masterplan (no: 240171)	14/03/2025	Place Design Group
Planting Schedule (2 sheets) (no: 240171)	14/03/2025	Place Design Group
Planting Plan (no: 240171)	14/03/2025	Place Design Group
Details (no: 240171)	14/03/2025	Place Design Group

2.1.2 The use of individual tenancies approved by this development require separate development consent for the fit out and operation.

2.1.3 Outdoor dining must only be provided in the area noted on the stamped plans.

2.2 Engineering Matters

2.2.1 Design and Works Specification

2.2.1.1 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)

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(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

2.2.1.2 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
Total Hydrocarbons	90

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

2.2.1.4 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.

2.2.2 Other Necessary Approvals

2.2.2.1 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)

3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

3.1 DA Plan Consistency

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

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3.2 Section 7.11 Contributions under Section 7.17 Directions

- 3.2.1 Before the issue of a Construction Certificate (for building works), 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 18 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) either by Council or any accredited certifier.

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
Stormwater Quantity	\$1,015,521.00
Stormwater Quality - other zones	\$48,693.00
Traffic Management	\$265,361.00
Total	\$1,329,575.00

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

Developable Area: 1.0300 hectares

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. 24 – Schofields Precinct (Works and Land)

3.3 Special Infrastructure Contributions

- 3.3.1 The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the Department of Planning

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and Infrastructure before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

4 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

4.1 Building Code of Australia Compliance

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

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

4.2 Site Works and Drainage

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

4.2.2 Soil erosion and sediment control measures shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy. Details shall accompany any Construction Certificate.

4.3 Access/Parking (Traffic matters)

4.3.1 The internal driveways and parking areas are to be designed in accordance with Australian Standard 2890.1 and 2890.6.

4.3.2 The design of the loading dock access shall consider future traffic signal requirements at the Aerodrome Road and Triton Parade intersection.

4.3.3 A traffic consultant must investigate sightlines at the proposed vehicular access and propose no stopping restrictions based on the sight distance requirements of the relevant Australian Standards.

A separate approval through Local Traffic Forum process is required for no stopping restrictions.

4.3.4 A separate approval is required from Council through the Local Traffic Forum for the raised pedestrian crossing proposed on Winjeel Street. All costs associated with the

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pedestrian crossing shall be borne by the developer.

4.4 Heritage matters

- 4.4.1 A site-specific heritage interpretation plan to be submitted to Council's Heritage Advisor for approval prior to issue of the Construction Certificate.

The heritage interpretation plan is to identify the specific interpretive elements in more detail including the specific themes and stories for each proposed device, text, images and graphics.

The heritage interpretation plan to include a review of the archaeological artefacts to identify suitable artefacts for use in the interpretation.

5 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

- 5.1 The recommendations made in Section 5.6 of the *Acoustic Assessment, prepared by Acoustic Logic, dated 18 March 2025* shall be implemented, as follows:

- Acoustic barriers are to be implemented as per Section 5.6.1 and shown on the construction certificate plans.
- The barrier may be constructed of lapped and capped timber, plexiglass, 4mm Perspex, Colorbond, 9mm fibrous cement sheet or equivalent, installed with no gaps between the panels, and maximum of a 20mm gap at the bottom to allow water flow if required.

- 5.2 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;

- Food Act 2003 and its Regulation
- Australian Standard 4674-2004 Design, construction and fit-out of food premises.

- 5.3 With reference to the EPAs Contaminated Land Consultant Certification Policy, The *Detailed Site Investigation, prepared by Geo-logix, dated December 2024* is to be reviewed by a Certified Environmental Consultant holding current accreditation under one of the following schemes:

- Certified Environmental Practitioner – Specialist Certification (CEnvP (SC)), or
- A Certified Professional Soil Scientist under the Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

The reviewed contamination report is to be submitted to Council.

- 5.4 Prior to commencement of excavation or construction works within or near the emplacement area, the applicant must prepare an Excavation and Construction

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Environmental Management Plan (ECEMP). The ECEMP must include, but is not limited to, the following:

- The extent of the PFAS-impacted emplacement area must be identified and delineated on a site plan, including an appropriate buffer zone (the Delineated Zone). The extent of the buffer must be defined by a suitably qualified environmental consultant based on risk assessment.
- All excavation and earthworks in the Delineated Zone must be carried out with appropriate measures to minimise worker exposure to PFAS. These measures must be specified by a qualified occupational hygienist or health and safety expert experienced in PFAS risk management.
- All material excavated from within the Delineated Zone must be
 - stockpiled separately from other site material.
 - Stored on impermeable surfaces, and
 - Designed and managed to prevent the release of PFAS to soil, groundwater or surface water.
- A program for ongoing and periodic testing of water (including runoff, groundwater, and stormwater) within and adjacent to the Delineated Zone must be implemented. The program must:
 - Establish acceptable PFAS thresholds,
 - Detail action to be taken if PFAS is detected above these thresholds, and
 - Include procedures for the containment, treatment or disposal of contaminated water
- Any structure to be built within the Delineated Zone must be designed and constructed to:
 - Prevent PFAS migration from the emplacement area into the structure, and
 - Avoid creating new pathways for PFAS to enter the broader environment

The ECEMP and all associated risk mitigation measures must be reviewed and deemed appropriate by an EPA-accredited Site Auditor. The Site Auditor's verification must be submitted to Council prior to the commencement of any excavation or construction works within or near the emplacement area.

5.5 All 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;

- NSW Environment Protection Authority's *Guidelines for Consultants Reporting on Contaminated Sites* (2020)
- NSW Environment Protection Authority's *Contaminated Sites Sampling Design Guidelines* (1995)
- National Environment Protection Council (NEPC) 1999 "National Environment Protection (Assessment of Site Contamination) Measure" (as amended 2013)

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6 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

6.1 General

- 6.1.1 All relevant conditions within the 'Prior to Construction Certificate' section of this consent shall be satisfied before a Construction Certificate can be issued.
- 6.1.2 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	Job No.	Dwg No.	Title	Revision	Dated	Council's Record
Van Der Meer (Engineering Plans)	SY242-039	C000	Cover Sheet	D	21/08/2025	Trim D25/599072
		C101	Site Plan	D	21/08/2025	
		C301	Pavement Layout	D	21/08/2025	
		C401	Drainage Layout	D	21/08/2025	
		C411	Drainage Long Section	A	13/08/2025	
		C422	MUSIC Catchment Plan	D	21/08/2025	
		C451	Drainage Details-Sheet 1	D	21/08/2025	

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

- i. Driveway shall maintain minimum 1.0 m offset from Kerb-Inlet-Pit (KIP)
- ii. Submit swept path for 19 metres long semi-trailers design vehicle for entry/exit from proposed development site (Proposed Loading Dock as shown in plan C101 / Revision D) to Triton Parade without encroaching centre line of the road. Design vehicle calculated based on Traffic Report - Prepared by

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Colston Budd Rogers & Kafes Pty Ltd - Ref 12485/2 - Dated March 2025 -
Chapter 3 - Section 3.13 – Council's Record Trim D25/173222

- iii. Stormwater drainage pipes in Council's Road reserve area shall be reinforced concrete pipes

6.1.3 Amended drainage plans from Van Der Meer Consulting are to address the following;

- i. Provide a separate plan with section to show the configuration details of the rainwater tank, which include pump, levels of the tank, water level, inlet and outlet pipes and the dimension.
- ii. For the rainwater tank, provide a sealed lid over the pump with minimum internal opening of 2 x 600 mm x 1200 mm for maintenance purpose.
- iii. Show the roof water pipelines surrounding the building, which are directed to the rainwater tank on the drainage plans or include the hydraulic drawings in the drainage plans set.
- iv. Indicate the extent of the roof area directed to the rainwater tank.
- v. Indicate the extent of the roof area directed to the Gross Pollutant Trap.
- vi. Provide details of the drainage system layout and the pump out pit and the riser pipe from the pump out pit with sizes of the pit and pipe system for the basement carpark.
- vii. Provide to energy dissipaters on all the inlets to the Filter Vaults of WQC1 and WQC2.
- viii. For WQC1 AtlanFilter vault, provide a baffle from 250 mm below the Filter weir extending to the tank soffit and set 250 mm upstream from the weir to retain floatables including oils for the half height cartridges.
- ix. For WQC2 AtlanFilter vault, provide a baffle from 450 mm below the Filter weir extending to the tank soffit and set 250 mm upstream from the weir to retain floatables including oils for full height cartridges.
- x. On the plans of AtlanFilter vaults for WQC1 and WQC2, indicate the weir lengths.
- xi. Provide dimensions to WQC1 and WQC2 on plan and sections to demonstrate the required vault area of 20m² for WQC1 and vault area of 5m² for WQC2 have been achieved.

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- xii. Confined space entry warning signs are to be detailed on the drainage plans adjacent to all entries into the Gross Pollutant Trap, AtlanFilters and rainwater tank in accordance with Council's Engineering Guide for Development.

- 6.1.4 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 site including all toilet/urinal flushing and landscape watering and that all Sydney Water requirements have been satisfied. The plan is to show the rainwater pipe and tanks arrangement including:
- a. a first flush or pre-treatment system (typically 0.2 litres / m² of roof area going to the tank for a first flush),
 - b. a pump with isolation valves;
 - c. a solenoid controlled mains water bypass;
 - d. flow meters on the solenoid controlled mains water bypass line and the pump outflow line, to determine non-potable usage and actual percentage reuse;
 - e. an inline filter and preferably an automatic backwash inline filter;
 - f. a control panel with warning light to indicate pump failure;
 - g. a timer and control box for landscape watering and
 - h. an irrigation watering plan allowing for a minimum of 41 kL/yr and accounting for seasonal variations;
 - i. providing a minimum tank size of 30 kL;
 - j. ensuring all the rainwater reuse pipes and taps are coloured purple.
 - k. all reuse taps accessible by children are to be lockable or have removable handles;
 - l. fitting rainwater warning signs to all external taps using rainwater.
- 6.1.5 Amended architectural plans are required for buildings, or parts of buildings, that are not affected by BASIX, to demonstrate compliance with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:
- i. 4 star dual-flush toilets;
 - ii. 3 star showerheads;
 - iii. 5 star taps (for all taps other than bath taps);

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- iv. 3 star urinals; and
- v. 3 star water efficient washing machines and dishwashers are to be specified.

6.1.6 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 tank and explain the benefit to the site and community. The sign is to be supported by a steel post or on a wall and is to be located adjacent to the 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.

6.2 Construction Certificate Requirements

6.2.1 Under the *Environmental Planning and Assessment Act 1979* a Construction Certificate is required. These works include but are not limited to the following:

- drainage construction
- water quality treatment
- earthworks

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

6.3 Local Government Act Requirements

6.3.1 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.

6.4 Roads Act Requirements

6.4.1 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

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- path Paving

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

6.5 Other Engineering Requirements

- 6.5.1 If the estimated cost is \$250,000 or greater proof of long service levy payment is required.
- 6.5.2 Any ancillary works undertaken shall be at no cost to Council.
- 6.5.3 Submit a Public Utilities Plan demonstrating adequate clearance between services to stormwater pits, pipes, driveways, light poles, etc.

6.6 Drainage

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

6.7 Erosion and Sediment Control

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

6.8 Earthworks

- 6.8.1 Finished levels of all internal works at the road boundary of the property must be 4% above the top of kerb.

6.9 Stormwater Quality Control

- 6.9.1 Stormwater quality treatment system shall be designed in accordance with Council's Engineering Guide for Development and DCP Part J - Water Sensitive Urban Design and Integrated Water Cycle Management.
- 6.9.2 Provide a maintenance schedule for the stormwater quality device that is signed and dated by the designer.

6.10 Vehicular Crossings

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

7 PRIOR TO DEVELOPMENT WORKS

7.1 Safety/Health/Amenity

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

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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Each toilet provided shall be:

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

7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 70 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.

This condition does not apply to:

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

7.1.3 Should the development work:

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

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

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

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

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

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

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minimum.

- 7.1.7 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.
- 7.1.8 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:
- (a) shall be preserved and protected from damage, and
 - (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
 - (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

7.2 Notification to Council

- 7.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clause 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 indicating details of the appointed Principal Certifying and the date construction work is proposed to commence.

7.3 Sydney Water Authorisation

- 7.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For further information please refer to the "Developing Your Land" section of the website: www.sydneywater.com.au, or telephone 1300 082 746 for assistance.

8 DURING CONSTRUCTION (BUILDING)

8.1 Safety/Health/Amenity

- 8.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for

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every 20 persons or part of 20 persons employed at the site.

8.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 80 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.

8.1.3 Should the development work:

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

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

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

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

8.1.5 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 40 mm or larger aggregate placed 150 mm deep, and extending from the street kerb/road shoulder to the land shall be provided.

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

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

8.2 Building Code of Australia Compliance

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

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

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

8.4 Nuisance Control

- 8.4.1 The hours of any offensive noise-generating development works shall be limited to between 7 am - 6 pm, Mondays to Fridays: 7 am - 1 pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

8.5 Waste Control

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

8.6 Construction Inspections

- 8.6.1 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 Certifier.

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

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

8.7 Vehicular Crossings

- 8.7.1 Any vehicular crossing of the footway shall be maintained a minimum of 6m from the tangent point of the kerb return on a corner allotment. The vehicular crossing shall also be maintained at least 1m clear of any power pole, stormwater gully pit/lintel and clear of any other utility surface infrastructure.

8.8 Heritage matters

- 7.8.1 The full documentation and drawings of the approved site-specific heritage interpretation plan as required by Condition 3.2.1 should be implemented in fabrication and installation.

8.9 NSW Police Matters

- 8.9.1 The construction site must remain securely enclosed and monitored throughout the length of the construction works to prevent unauthorised access. Appropriate security measures, including fencing and controlled entry points, should be always maintained.

To ensure safety and deter criminal activity, temporary security measures are to be implemented during the construction phase. These include:

- Installation of a temporary CCTV surveillance system
- Adequate temporary lighting to maintain visibility and support surveillance operations, and
- Secure storage for tools and materials and well-lit perimeters

9 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

- 9.1 The recommendations made in Section 5.6 of the *Acoustic Assessment, prepared by Acoustic Logic, dated 18 March 2025* shall be implemented, as follows:

- Engines must be turned off during loading and unloading movements,
- Only 4 HRV truck movements and 4 SRV truck movements are to be allowed in any given 1-hour period during the daytime 7am-6pm period. Deliveries shall be managed accordingly.
- Only 4 SRV truck movements are to be allowed in any given 1-hour period during the evening 6pm-10pm period. Deliveries shall be managed accordingly.
- No truck movements are permitted during the night time 10pm-7am period. If deliveries are to be expected in the loading dock throughout the night time period further acoustic review will be required.
- Trucks are to minimise usage of air brakes as much as practicable.
- Acoustic barriers are to be implemented as per Section 5.6.1.

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- If an increase of the loading dock usage is expected an additional acoustic review will be required.
- The barrier may be constructed of lapped and capped timber, plexiglass, 4mm Perspex, Colorbond, 9mm fibrous cement sheet or equivalent, installed with no gaps between the panels, and maximum of a 20mm gap at the bottom to allow water flow if required.

9.2 All food preparation areas shall be constructed to comply with the requirements of:

- The Food Act 2003 and its Regulation.
- Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings

9.3 Any excavation or earthworks within, or in close proximity to, the PFAS-affected emplacement area must be managed in a manner that:

- Protects the health and safety of workers from potential PFAS exposure.
- Prevents the mobilisation or spread of PFAS-impacted material beyond the excavation area.
- Ensures there is no potential for PFAS to migrate from the emplacement area via surface water, groundwater, or other environmental pathways.

9.4 An unexpected find policy (UFP) should be prepared and implemented for the proposed site redevelopment works.

9.5 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.

9.6 Any fill material imported onto the site must be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) and must be analysed and validated by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA guidelines, including the 'Waste Classification Guidelines' 2014 and the NSW EPA Contaminated Land Guidelines: Sampling design (2022).

9.7 Any soils requiring excavation, onsite reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014)

9.8 All waste generated on the site during the construction must be classified in accordance with the NSW EPA's Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste and disposed of at a facility that may lawfully accept the waste.

9.9 Any new information revealed during development works that has the potential to alter

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previous conclusions about site contamination or hazardous materials must be immediately notified to the Council and the principal certifying authority.

10 DURING CONSTRUCTION (ENGINEERING)

10.1 Notification of Works

10.1.1 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.

10.1.2 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.

10.2 Insurances

10.2.1 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.

10.3 Soil Erosion and Sediment Control Measures

10.3.1 Soil erosion and sediment control measures onsite shall be implemented, maintained and monitored in accordance with Council's Soil Erosion and Sediment Control Policy.

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

10.4.1 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

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

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

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

10.6 Public Safety

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

10.7 Traffic Control

- 10.7.1 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.
- 10.7.2 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.
- 10.7.3 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.
- 10.7.4 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.

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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10.7.5 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.

10.8 Others

10.8.1 The Atlan Vortceptor Gross Pollutant Trap IVR.025, AtlanFilter FIL-3.0 full height with five cartridges and AtlanFilter FIL-1.5 half height with ten cartridges supplied by SPEL are not to be reduced in size nor replaced with an alternate manufacturer's product.

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

11 PRIOR TO OCCUPATION CERTIFICATE

11.1 Compliance with Conditions

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

11.1.2 Prior to 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 6.10 of the Environmental Planning and Assessment Act 1979.

11.2 Road Damage

11.2.1 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.

11.3 Landscaping/Car Parking

11.3.1 All landscaping shall be completed in accordance with approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

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11.3.2 All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

11.3.3 All required internal driveways and car parking spaces shall be sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

11.4 Car Parking

11.4.1 All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

11.5 Temporary Facilities Removal

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

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

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

11.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.

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

11.6 Consent Compliance

11.6.1 An Occupation Certificate shall not be issued until all conditions of this consent have been satisfied.

11.7 Engineering Matters

11.7.1 Surveys/Certificates/Works As Executed plans

11.7.1.1 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

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on a copy of the original, stamped Construction Certificate plans for engineering works.

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

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

- i. all the requirements of the approved drainage plan have been undertaken;
- ii. a minimum 30 kL rainwater tank has been provided collecting roof water from roof area of 5,994m²;
- iii. the interpretative water quality sign has been correctly installed;
- iv. a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.

11.7.1.4 A Chartered Hydraulic Engineer, registered with NER, must certify for the installation of the Vortceptor Gross Pollutant Trap and the AtlanFilter that:

- i. They are installed in accordance with the SPEL standard operational guidelines and production drawings;
- ii. The Filter weir of AtlanFilter FIL-1.5 in WQC1 is 550 mm high and installed with minimum ten half height cartridges;
- iii. The Filter weir of AtlanFilter FIL-3.0 in WQC2 is 850 mm high and installed with minimum five full height cartridges;
- iv. The Filter weir length is as per the approved CC drawings;
- v. The vault of WQC1 AtlanFilter includes a baffle from 250 mm below the Filter weir extending to the tank soffit and set 250 mm upstream from the weir to retain floatables including oils for the half height cartridges;
- vi. The vault of WQC2 AtlanFilter includes a baffle from 450 mm below the Filter weir extending to the tank soffit and set 250 mm upstream from the weir to retain floatables including oils for the full height cartridges; and
- vii. Energy dissipaters have been provided on all the inlets to the Filter Vaults.

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

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- i. All the toilets non-potable water uses within the building 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 2 toilets 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

11.7.1.6 A plumber licensed with NSW Fair Trading is to certify that the buildings, or parts of buildings that are not affected by BASIX, comply with the minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme for any water use fittings. Minimum WELS ratings are:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 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.

11.7.2 Easements/Restrictions/Positive Covenants

11.7.2.1 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.

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11.7.2.2 Restrictions and positive covenants must be endorsed by Council and lodged with NSW Land Registry Services over the Stormwater Quality Control devices/system and outlet works.

11.7.2.3 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 Gross Pollutant Trap, AtlanFilters and rainwater tank.

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

11.7.3 Others

11.7.3.1 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 Gross Pollutant Trap, AtlanFilters and rainwater tank.

11.7.3.2 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.

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11.7.4 Inspections

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

11.7.5 Heritage requirements

11.7.5.1 The requirements of the approved heritage interpretation plan under Condition 4.4.1 shall be completed and reviewed by Council's Heritage Advisor.

11.7.6 NSW Police requirements

11.7.6.1 To enhance visibility and support emergency response, it is essential that the street number and signage are clearly visible from the street, both during the day and at night. Proper illumination or reflective materials should be used to ensure visibility in low-light conditions.

11.7.6.2 Directional signage should be installed at the main entry point clearly identifying the names and locations of individual tenancies. This assists not only emergency services but also visitors and delivery personnel in navigating the premises effectively.

11.7.6.3 Security warning signs should be displayed around the perimeter of the retail property. These signs are a deterrent to potential offenders by highlighting the presence of security measures. Recommended signage includes:

- . Warning: This property is under CCTV electronic surveillance
- . Warning: No cash kept on premises. (for individual retail spaces that do not store cash overnight)

Additionally, police recommend 'Park Smarter' crime prevention signage throughout all car parking areas, including both on-grade and basement levels. These signs are effective in reducing offences such as: 'Steal from Motor Vehicle' and Motor Vehicle Theft'.

11.7.6.4 The NSW Police strongly recommend the installation of a comprehensive CCTV surveillance system throughout all areas of the development, with particular emphasis on high-risk and high-traffic zones. Multiple CCTV cameras should be strategically installed across all car parking areas, including on-grade and basement levels, to deter and detect offences such as stealing from motor vehicles and vehicle theft.

11.7.6.5 CCTV cameras should be installed around the entire perimeter of the building site, mounted approximately 2 metres above the fence line, and supported by adequate night-time lighting. This set up is essential for preventing and investigating offences such as 'Stealing' and 'Malicious Damage'.

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11.7.6.6 CCTV cameras are also to cover building perimeters, stairwells and lift areas, foyers and entry/exit points, driveways and loading bays, bicycle racks, waste rooms and mailbox facilities and all shared or common areas.

11.7.6.7 CCTV footage must be retained for a minimum of 30 days. This retention period provides Riverstone Police with a sufficient timeframe to conduct investigations following the report of a crime.

11.7.6.8 To enhance safety, accessibility, and emergency response, within the car parking facility, the following measures are required:

- (i) Emergency Services Parking: A clearly marked emergency services parking bay shall be designed within the car park. Signage must be installed to indicate its location, ensuring quick and unobstructed access for emergency responders during critical incidents.
- (ii) Bollard Installation: Solid bollards shall be installed directly outside the lift entry points in the basement car park. This will prevent vehicle encroachment into pedestrian zones and protect infrastructure from accidental damage.
- (iii) Wheel Stops: Each parking space that is back to back with another space, adjacent to a wall or fence or landscaping, or adjacent to a pedestrian walkway shall be fitted with a rubber wheel stop to improve safety for both pedestrians and motorists by preventing vehicles from hitting a barrier or landscaping, overhanging into walkways or adjacent spaces.
- (iv) Traffic Signage: Two STOP signs shall be installed on either side of the car park exit to improve vehicle control and pedestrian safety at the exit point.
- (v) Police Access: For emergency response purposes, Riverstone Police require an access code to enter the retail complex. This code shall be securely provided to the local command and updated as necessary to maintain access integrity.

11.7.6.9 To ensure clear visibility and enhance both pedestrian safety around the loading dock area, the following recommendations are made:

- Triton Parade (Loading Dock Entry/Exit - Footpath Area: No vegetation should be planted to the left or right of the loading dock entry/exit along the footpath on Triton Parade, Nirimba Fields. This is to maintain unobstructed sightlines for both drivers and pedestrians.
- Triton Parade (Car Park Entry/Exit: Any vegetation located near the car park entry/exit on Triton Parade should be maintained at a maximum height of 1.2 metres. This height restriction is critical to preserving visibility for vehicles entering and exiting the site, as well as for pedestrian safety.

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- Winjeel Street (Car Park Entry/Exit): Similarly, vegetation near the car park entry/exit on Winjeel Street, Nirimba Fields should not exceed 1.2 metres height to ensure safe sightlines for both motorists and pedestrians.

11.7.6.11 All lighting sources must be compatible with the operational requirements of any CCTV surveillance system to be installed to ensure optimal image capture and security monitoring.

11.7.6.11 Lighting fixtures are of frequently targeted for vandalism, which can compromise safety and security by leaving areas poorly lit and vulnerable to criminal activity. To mitigate the risk, police recommend the use of vandal-resistant lighting covers. These fixtures shall be installed at the highest practical elevation to deter tampering while still delivering adequate illumination for both pedestrian safety and surveillance effectiveness.

11.7.6.12 To ensure safety and visibility, police recommend that all trees and shrubs with the development site remain at a height of no more than one metre. This measure is needed to reduce concealment opportunities and improve natural surveillance from the street. Additionally, any overhanging branches should be trimmed to prevent unauthorised access to elevated areas of the property.

11.7.6.13 Police have specifically requested that no trees be planted along Triton Parade and Winjeel Street, particularly on the Council nature strip adjacent to the site boundary.

Further recommendations include:

- Installation of 'Give Way' signs at the car park exits onto Triton Parade and Winjeel Street to ensure safe vehicle movement.
- Placement of 'No Stopping' and 'No Parking' signs along the site frontage on both Triton Parade and Winjeel Street to maintain clear sightlines and prevent congestion.

11.7.6.14 NSW Police recommend that all external doors and door frames be of solid construction and fully compliant with the Building Code of Australia, particularly in relation to Fire Safety Regulations.

Each external door shall be fitted with single-cylinder lock set, which must also meet the requirements of the Building Code. A single-cylinder lock set is defined as a lock that is key operated from the exterior and features a turn snib or handle on the interior, allowing for safe and immediate egress in the event of an emergency.

11.7.6.15 The Riverstone Police Area Command has recorded incidents of break, enter, and steal offences, where offenders have gained access to retail premises through inadequately secured fire exit doors. These incidents have frequently involved the targeted theft of tobacco products.

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To mitigate this risk, it is essential that fire exit doors are not only compliant with fire safety regulations but also secured against unauthorised external access, without compromising emergency egress requirements.

12 PRIOR TO OCCUPATION (ENVIRONMENTAL HEALTH)

- 12.1 A health inspection is to be conducted by Council's Environmental Health Officer to ensure that the fit out of the food premises complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 Design, construction and fit-out of food premises.
- 12.2 The premises shall be registered with Council's Environmental Health Unit.
- 12.3 Trading must not commence until an Occupation Certificate for the development has been issued.
- 12.4 A Food Safety Supervisor must be appointed prior to commencing trade. A copy of the FSS certificate is to be displayed in a prominent location within the premises.
- 12.5 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that any new ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.
- 12.6 Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the certified design and to the standard required by this consent.
- 12.7 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement shall be submitted to Council.

13 OPERATIONAL

13.1 Access/Parking

- 13.1.1 All required off-street car parking spaces and internal driveways shall be maintained to a standard suitable for the intended purpose.
- 13.1.2 A total of 269 car parking spaces, including 4 EV charging stations/parking and 6 Direct-To-Boot spaces are to be provided and maintained on site.

13.2 General

- 13.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

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13.2.2 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.

13.2.3 The hours of operation of the centre, Woolworths, commercial tenancies and the food and drink premises shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation: 6am – midnight, 7 days a week

Approved loading dock hours including waste removal: 5am – 10pm, 7 days a week

Should Council receive justified complaints that the development is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

13.2.4 The hours of operation of the liquor store shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation: 8am – 10pm Monday to Saturday
 10am – 10pm Sunday

Should Council receive justified complaints that the development is operating outside these hours, or is causing noise and disturbance to the neighbouring residents, then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

13.2.5 The premises shall adhere to Council's Abandoned Shopping Trolley Policy (Policy Number: P000497.1.

13.3 Landscaping

13.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

13.4 Use of Premises

13.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.

13.4.2 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

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- (b) Which is “Exempt Development” under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

13.5 Signage

- 13.5.1 The hours of illumination of the signage shall not be outside of the operational hours of respective premises. Any alteration to these hours will require separate approval.

Should Council receive justified complaints that the signage is illuminated outside these hours Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

- 13.5.2 Approval has been granted for “business identification signage” only. At no time is the signage to be used for general advertising purposes. Should any changes to the signage be proposed not being ‘Exempt Development’ under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (including changes to sign content, size, dimensions, colours, etc) the separate approval of Council must first be obtained.

- 13.5.3 The approved signage is to be installed in strict compliance with the approved plans and details. No part of the signage is to overhang the property boundary.

- 13.5.4 The signage is to comply with the design criteria specified prescribed by State Environmental Planning Policy (Industry and Employment) 2021.

- 13.5.5 The proposed signage is not to have/use:

- Flashing lights;
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a driver’s attention beyond a ‘glance appreciation’;
- Displays resembling traffic signs or signals; or
- A method of illumination that distracts or dazzles.

- 13.5.6 The signage is to be kept well maintained and free of graffiti and damage throughout its lifespan. In the event of wear/tear, graffiti or damage this is to be rectified immediately.

13.6 Environmental Health

- 13.6.1 The recommendations made in Section 5.6 of the *Acoustic Assessment, prepared by Acoustic Logic, dated 18 March 2025* shall be implemented, as follows:

- Engines must be turned off during loading and unloading movements,
- Only 4 HRV truck movements and 4 SRV truck movements are to be allowed in any given 1-hour period during the daytime 7am-6pm period. Deliveries shall be managed accordingly.

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- Only 4 SRV truck movements are to be allowed in any given 1-hour period during the evening 6pm-10pm period. Deliveries shall be managed accordingly.
- No truck movements are permitted during the night time 10pm-7am period. If deliveries are to be expected in the loading dock throughout the night time period further acoustic review will be required.
- Trucks are to minimise usage of air brakes as much as practicable.
- Acoustic barriers are to be implemented as per Section 5.6.1.
- If an increase of the loading dock usage is expected an additional acoustic review will be required.
- The barrier may be constructed of lapped and capped timber, plexiglass, 4mm perspex, Colorbond, 9mm fibrous cement sheet or equivalent, installed with no gaps between the panels, and maximum of a 20mm gap at the bottom to allow water flow if required.

- 13.6.2 A Plan of Management is to be prepared and implemented and is to be monitored and enforced by centre management.
- 13.6.3 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.
- 13.6.4 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.
- 13.6.5 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.
- 13.6.6 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.
- 13.6.7 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.

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13.6.8 The food premises shall be maintained in accordance with the requirements of;

- Food Act 2003 and its Regulation.
- Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

13.6.9 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and its Regulation.

13.6.10 The premises is to be registered with Council as a food business.

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