



Section 96(1A) Modification Application

Horsley Drive Business Park (SSD 5169)

Prepared by McKenzie Group Consulting Planning
on behalf of Australand Property Group for the
Western Sydney Parklands Trust

February 2015

Section 96(1A) Modification Application to SSD 5169

The Horsley Drive Business Park

Cnr of The Horsley Drive and Cowpasture Road

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GLOSSARY OF TERMS

TERM	MEANING
AU\$	<i>Australian Dollars</i>
Council	<i>Fairfield City Council</i>
DGRs	<i>Director-General's Requirements issued 16 March 2012</i>
DP&E	<i>Department of Planning and Environment</i>
EIS	<i>Environmental Impact Statement</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (as amended)</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
HDBP	<i>Horsley Drive Business Park</i>
Metro Strategy	<i>Metropolitan Plan for Sydney 2036</i>
Draft Metropolitan Strategy	<i>Draft Metropolitan Strategy 2031</i>
MGC Planning	<i>McKenzie Group Consulting Planning (NSW) Pty Ltd</i>
NSW 2021	<i>NSW 2021: A Plan to Make NSW Number One</i>
OEH	<i>NSW Office of Environment and Heritage</i>
WSP POM	<i>Western Sydney Parklands Plan of Management 2020</i>
SEPP	<i>State Environmental Planning Policy</i>
Sqm or m²	<i>Square metres</i>
SREP	<i>Sydney Regional Environmental Plan</i>
SSD	<i>State Significant Development</i>
The Site	<i>Cnr The Horsley Drive and Cowpasture Road, Wetherill Park, being:</i> <ul style="list-style-type: none">▪ <i>Lots 23 (part), 24 (part), 25, 28B, 30, 30A, 30B, 32 and 32A in DP 13961;</i>▪ <i>Lots 1-5 in DP 1098128;</i>▪ <i>Lot 100 in DP 879680;</i>▪ <i>Lot 1 in DP 1036933;</i>▪ <i>Lot 10 in DP 879209; and</i>▪ <i>Lot C in DP 103755.</i>
The Trust	<i>Western Sydney Parklands Trust</i>
WSEA	<i>Western Sydney Employment Area</i>
WSEH	<i>Western Sydney Employment Hub</i>
WSP	<i>Western Sydney Parklands</i>
WSP Act	<i>Western Sydney Parklands Act 2006</i>

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EXECUTIVE SUMMARY

McKenzie Group Consulting Planning (NSW) Pty Ltd has prepared this Report pursuant to Section 96(1A) of the Environmental Planning & Assessment Act 1979 on behalf of Australand Property Group for the Western Sydney Parklands Trust (the Trust). It supports an application to the NSW DP&E to modify State Significant Development (SSD) 5169 for a staged business park to be located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park (the Site). The estate will be known as the Horsley Drive Business Park (HDBP) and is located immediately adjacent to the existing Smithfield-Wetherill Park Industrial Area.

The site forms part of a larger strategic corridor known as the Western Sydney Parklands (WSP) which extends from Quakers Hill in the north to Leppington in the south. The WSP covers parts of the three local government areas of Blacktown, Fairfield and Liverpool. The Horsley Drive Business Park will be wholly contained within the Fairfield local government area.

On 8 January 2013, the Minister for Planning and Infrastructure granted approval for Horsley Drive Business Park subdivision and Infrastructure works (SSD 5169), comprising:

- 12 Lot subdivision and access road under leasehold arrangement;
- Demolition of two existing dwellings, ancillary structure and existing trees across the site;
- Remediation of part of the site which was associated with former fuel storage;
- Bulk and detailed earthworks to create building pads;
- Estate infrastructure including central access road, connection with essential utilities and provision of OSD basins and associated stormwater infrastructure; and
- Estate landscaping treatments, comprising predominately native vegetation.

Works are yet to commence on the site as per the approval, however Australand have now entered into a Development Agreement with the Western Sydney Parklands Trust (WSPT - the owner of the land) to develop the estate.

The proposed modifications sought under this application include:

- Reduce the number of allotments from 12 to 6 and amend building footprints;
- Increase the developable site area by 3,471sqm;
- Amend the staging of the development;
- Amend retaining wall heights;
- Re-shape detention basin to improve stormwater management outcomes; and
- Registration of subdivision and titles over four(4) stages

This modification is supported by revised civil engineering drawings and accompanying estate plan and remains substantially the same development as that approved under SSD 5169 as:

- The estate will be developed in the future for the purpose of warehousing and distribution;
- The amendments will not result in any unacceptable environmental impact; and
- Consistency will be maintained with the approved relevant planning provisions.

The DGRs obtained under SSD 5169 outlined a number of Key Issues which were addressed as part of the EIS, including consideration of:

- Relevant Environmental Planning Instruments

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- Strategic Policies, Guidelines and Planning Agreements
- Contamination
- Layout and Urban Design
- Economic Impact
- Ecologically Sustainable Development
- Noise
- Transport and Accessibility
- Sediment, Erosion and Dust Control
- Flora and Fauna
- Utilities
- Staging
- Contributions
- Flood and Stormwater Drainage Management
- Waste
- Heritage and Archaeology

Each of the Key Issues have been addressed in this Report to demonstrate consistency with approved development.

Based on the findings of this Report, the amendments to SSD 5169 are supported as the proposal is suitable for its context and will not result in any significant environmental impact. As such, it is recommended that the proposal be supported by the Department of Planning and Environment.

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PART A PRELIMINARY

1.1 INTRODUCTION

This Report has been prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd on behalf of the Proponent, Australand Property Group and is submitted to the New South Wales Department of Planning and Environment to modify SSD 5169.

This Report describes the proposed amendments in detail, provides relevant background information and assesses the proposed development in terms of the relevant matters set out in the applicable legislation, environmental planning instruments and planning policies.

The structure this document is as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Works
- Part D Legislative and Policy Framework
- Part E Consultation
- Part F Environmental Risk Assessment
- Part H Project Justification
- Part I Conclusion

1.2 PROJECT TEAM

Subsequent to Australand entering into a Development Agreement with the Trust, it was resolved that the scope of studies required is limited to the following for the subject modification application:

- McKenzie Group Consulting Planning (NSW) Pty Ltd (Town Planning Consultant)
- Costin Roe (Civil Engineering Consultant)
- Habitation (Landscape Consultant)
- Acoustic Logic (Acoustic Consultant)
- Road Delay Solutions (Traffic Consultant)

1.3 DIRECTOR GENERAL'S REQUIREMENTS

Application to receive the DGRs was submitted to DoP&I in February 2012. The DGRs were subsequently issued on 16 March 2012 (Reference: SSD 5169). The DGRs issued are annexed as **Appendix 1**.

Key Issues

A summary of the Key Issues to be addressed for the proposed development and how these requirements have been satisfied within the EIS is outlined in **Table 1**.

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TABLE 1 – DGRs Key Issues	
Issue	Satisfied by...
<p>1. Environmental Planning Instruments</p> <ul style="list-style-type: none"> ▪ Address relevant statutory provisions applying to the site contained in all relevant EPIs, including: <ul style="list-style-type: none"> - State Environmental Planning Policy (State & Regional Development) 2011 <ul style="list-style-type: none"> ▪ Development) 2011 - State Environmental Planning Policy (Western Sydney Parklands) 2009 <ul style="list-style-type: none"> ▪ Parklands) 2009 - State Environmental Planning Policy No.33 – Hazardous and Offensive Development <ul style="list-style-type: none"> ▪ Offensive Development - State Environmental Planning Policy No.55 – Remediation of Land <ul style="list-style-type: none"> ▪ Land - State Environmental Planning Policy (Infrastructure) 2007 - Fairfield Local Environmental Plan 1994. ▪ Detail the nature and extent of any prohibitions that apply to the development ▪ Identify the development standards applying to the site. Justify any development standards not being met ▪ Preparation of a Phase 1 and Phase 2 site contamination assessment, and consideration of a remedial plan (if applicable), which is to demonstrate that the site is suitable for the proposed use in accordance with SEPP 55. 	<p>Part A – Preliminary (Section 1.4 – Strategic Planning Context)</p> <p>Part D – Legislative and Policy Framework</p> <p>Part F – Environmental Assessment (Section 6.4 - Contamination)</p>
<p>2. Policies, Guidelines and Planning Agreements</p> <ul style="list-style-type: none"> ▪ Address the relevant planning provisions, goals and strategic planning objectives in the following: <ul style="list-style-type: none"> - NSW State Plan - Metropolitan Plan for Sydney 2036 - West Central Subregion Draft Subregional Strategy - Fairfield City Wide DCP 2006 - Fairfield Employment Lands Strategy 2008 - Fairfield Retail and Commercial Centres Study 2005 - Direct (Section 94) Development Contribution Plan 2011 - Indirect (Section 94A) Development Contributions Plan 2011 - Development Near Rail Corridors and Busy Roads – Interim Guideline 	<p>Part A – Preliminary (Section 1.4 – Strategic Planning Context)</p> <p>Part D – Legislative and Policy Framework</p>
<p>3. Layout and Urban Design</p> <ul style="list-style-type: none"> ▪ Detail the subdivision layout for the development including staging, site coverage, lot sizes, positioning of lots, setbacks, proposed open space areas, proposed landscaped areas. ▪ A suitable urban design response should be developed incorporating appropriate presentation to the public domain, and landscaping incorporating endemic species. ▪ Particular design consideration should be given to the presentation of the proposed business park to the intersection of Cowpasture Road and The Horsley Drive, as well as any site access areas. ▪ The layout and design of the development shall have regard to the surrounding vehicular, pedestrian and cycling networks. ▪ Outline how the extent of cut and fill associated with the proposed business park has been minimised. 	<p>Part C – Proposed Development</p> <p>Part F – Environmental Assessment (Section 6.5 – Layout and Urban Design)</p>
<p>4. Economic Impact</p> <ul style="list-style-type: none"> ▪ Assess the supply and demand for potential future land uses and lots facilitated by the proposal and identify negative economic impacts (if relevant) and appropriate mitigation measures. ▪ Detailed justification should be provided in relation to the demand for uses associated with the proposed business park including an analysis of the impact on existing surrounding industrial areas. 	<p>Part F – Environmental Assessment (Section 6.6 – Economic Impact)</p>

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<p>5. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none">▪ <i>Detail how ESD principles will be incorporated in the subdivision layout.</i>▪ <i>Include a description of the measures that would be implemented to minimize consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and demonstrates water sensitive urban design and any water conservation measures.</i>	Part F – Environmental Assessment (Section 6.7 – Ecologically Sustainable Development)
<p>6. Noise</p> <ul style="list-style-type: none">▪ <i>Identify the main noise generating sources and activities at all stages of construction. Outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land.</i>	Part F – Environmental Assessment (Section 6.8 – Noise)
<p>7. Transport and Accessibility (Construction and Operation)</p> <ul style="list-style-type: none">▪ <i>A strategic four step model should be undertaken to determine the traffic and transport impacts of the proposal, including consideration of traffic generation, traffic distribution, modal split and traffic assignment. The methodology and assumptions used for the modelling shall be to the satisfaction of the Roads and Maritime Services (RMS) and Transport for NSW (TfNSW).</i>▪ <i>Provide a detailed traffic analysis of the proposal which includes a base case model, a separate model with full development, and a 10 year background traffic growth model. The traffic analysis is to be to the satisfaction of the RMS and TfNSW.</i>▪ <i>Detail access and parking provisions associated with the proposed development including how compliance with the requirements of the relevant Australian Standards will be able to be adhered.</i>▪ <i>Detail the proposed number of car parking spaces and compliance with appropriate parking codes.</i>▪ <i>Demonstrate how future uses of the development will be able to make travel choices that support the achievement of State Plan targets.</i>▪ <i>Detail existing pedestrian and cycle movements within the vicinity of the site and determine the adequacy of the proposal to meet the likely future demand for increased public transport and pedestrian and cycle access.</i>▪ <i>Describe the measures to be implemented to promote sustainable means of transport including public transport usage and pedestrian and bicycle linkages in addition to addressing the potential for implementing a location specific sustainable travel plan and the provision of facilities to increase the non-car mode share for travel to and from the site.</i>▪ <i>Estimate the total daily and peak hour trips anticipated to be generated by the business park, including accurate details of the current and future daily vehicle movements and assess the impacts of the traffic generated on local road networks, including intersection capacity and the potential need/associated funding for upgrading or road works, having regard to the local planning controls. The following key intersections are to be examined/modelled:</i><ul style="list-style-type: none">- <i>The Horsley Drive / Cowpasture Road</i>- <i>The Horsley Drive / Ferrers Road</i>- <i>The Horsley Drive / Westlink M7</i>- <i>Cowpasture Road / Newton Road</i>- <i>Cowpasture Road / Victoria Street.</i>	Part F – Environmental Assessment (Section 6.9 – Transport and Accessibility)
<p>8. Sediment, Erosion and Dust controls (Construction and Excavation)</p> <ul style="list-style-type: none">▪ <i>Detail the management of bulk earthworks across the site including measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles.</i>	Part F – Environmental Assessment (Section 6.10 – Sediment, Erosion and Dust Control)

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<p>9. Flora and Fauna</p> <ul style="list-style-type: none"> ▪ Undertake a fauna and flora survey of the site in accordance with ▪ OEH Threatened Species Survey and Assessment Guidelines. ▪ Address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment. ▪ Any impacts on threatened species, populations and endangered ecological communities that cannot be avoided or mitigated must be adequately offset in accordance with OEH Principles for the Use of Biodiversity Offsets in NSW. 	<p>Part F – Environmental Assessment (Section 6.11 – Flora and Fauna)</p>
<p>10. Utilities</p> <ul style="list-style-type: none"> ▪ In consultation with relevant agencies and through the preparation of an Integrated Water Management Plan and Infrastructure Management Plan, detail the existing capacity and any augmentation requirements of the utilities for the development, including water and waste water supply, and the staging of infrastructure. 	<p>Part F – Environmental Assessment (Section 6.12 – Utilities)</p>
<p>11. Staging</p> <ul style="list-style-type: none"> ▪ Details regarding the staging of the proposed development (if proposed). 	<p>Part F – Environmental Assessment (Section 6.13 – Staging)</p>
<p>12. Contributions</p> <ul style="list-style-type: none"> ▪ Address Council's Section 94 Contribution Plan and / or details of any Voluntary Planning Agreement. 	<p>Part F – Environmental Assessment (Section 6.14 – Contributions)</p>
<p>13. Flood and Stormwater Drainage Management</p> <ul style="list-style-type: none"> ▪ A detailed hydrological and hydraulic assessment to include the proposed development, all adjacent areas, proposed staging and the full potential forecast development of the site, including: <ul style="list-style-type: none"> - a comprehensive assessment of the impact of flooding on the proposed development and any flood risk to people and properties for the full range of the floods up to the probable maximum flood (PMF) event including potential long term cumulative impacts from potential development. This assessment should address any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and an increase in rainfall intensity. - details of the drainage associated with the proposal, including stormwater and drainage infrastructure and OSD, which shall be designed in consultation with Fairfield City Council and must avoid any adverse impacts on downstream properties. The proposal shall address the impact of stormwater flows on the site from other catchments, overland flow paths and catchment modelling. - assessment of the impact of the proposed development on the flood behaviour (i.e. levels, velocities and duration of flooding) and the impact of the proposed development on adjacent, downstream and upstream areas. - assessment of the impacts of earthworks and filling of land within the proposed development. This assessment should be based on an understanding of cumulative flood impacts. - detail an emergency response plan to manage floods above the flood planning level. This plan should include an assessment of the flood evacuation needs and impacts from the proposed development on the capacity or operation of existing local evacuation routes. Additionally, this plan should include consideration of a flood free access to or from the development site in extreme flood events. 	<p>Part F – Environmental Assessment (Section 6.15 – Flood and Stormwater Drainage Management)</p>
<p>14. Waste</p> <ul style="list-style-type: none"> ▪ Identify, quantify and classify the likely waste streams to be generated during construction and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. 	<p>Part F – Environmental Assessment (Section 6.16 – Waste)</p>

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<p>15. Heritage</p> <ul style="list-style-type: none">▪ <i>A Statement of Significance and an assessment of the impact on the heritage significance of any heritage items and / or conservation areas should be undertaken in accordance with the guidelines in the NSW Heritage Manual.</i>	Part F – Environmental Assessment (Section 6.17 – Heritage)
<p>16. Aboriginal Heritage</p> <ul style="list-style-type: none">▪ <i>Address Aboriginal Heritage in accordance with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. Any impacts to Aboriginal cultural heritage as a result of the proposal must be adequately mitigated.</i>	Part F – Environmental Assessment (Section 6.18 – Aboriginal Heritage)
<p>17. Archaeological Impacts</p> <ul style="list-style-type: none">▪ <i>If relevant, an archaeological study is to be carried out on the site to identify any European and / or Aboriginal archaeological impacts associated with the proposal.</i>	Part F – Environmental Assessment (Section 6.19 – Archaeological Impacts)

Consultation

The original DGRs provided that, during the preparation of the EIS, consultation must be undertaken with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular consultation must occur with:

- Department of Planning and Infrastructure
- Fairfield City Council
- Roads and Maritime Services
- Office of Environment and Heritage
- Sydney Water

Part E of this Report details the consultation undertaken as part of this modification application in addition to the previous consultation as part of SSD 5169.

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PART B SITE ANALYSIS

2.1 SITE LOCATION

The site which is the subject of this application relates to eighteen (18) parcels of land located at the corner of The Horsley Drive and Cowpasture Road, Wetherill Park and forms part of the Western Sydney Parklands located within the Fairfield Local Government Area.

The site is approximately 21 hectares in area with frontage of approximately 475m along The Horsley Drive and 580m along Cowpasture Road.

The site is comprises the allotments detailed in **Table 2** and shown in **Figure 1**.

Lot	DP	Address
23 (part)	13961	156-164 Cowpasture Road, Wetherill Park
24 (part)	13961	174 Cowpasture Road, Wetherill Park
25	13961	176-184 Cowpasture Road, Wetherill Park
1	1036933	186-188 Cowpasture Road, Wetherill Park
10	879209	200-212 Cowpasture Road, Wetherill Park
28B	13961	1455 The Horsley Drive, Wetherill Park
30	13961	1465 The Horsley Drive, Wetherill Park
30A	13961	1465 The Horsley Drive, Wetherill Park
30B	13961	1465 The Horsley Drive, Wetherill Park
32	13961	1487 The Horsley Drive, Wetherill Park
32A	13961	1477 The Horsley Drive, Wetherill Park
1	1098128	Lot 1 The Horsley Drive, Wetherill Park
2	1098128	Lot 2 The Horsley Drive, Wetherill Park
3	1098128	Lot 3 The Horsley Drive, Wetherill Park
4	1098128	Lot 4 The Horsley Drive, Wetherill Park
5	1098128	Lot 5 The Horsley Drive, Wetherill Park
100	879680	Lot 100 The Horsley Drive, Wetherill Park
C	103755	1467 The Horsley Drive, Wetherill Park

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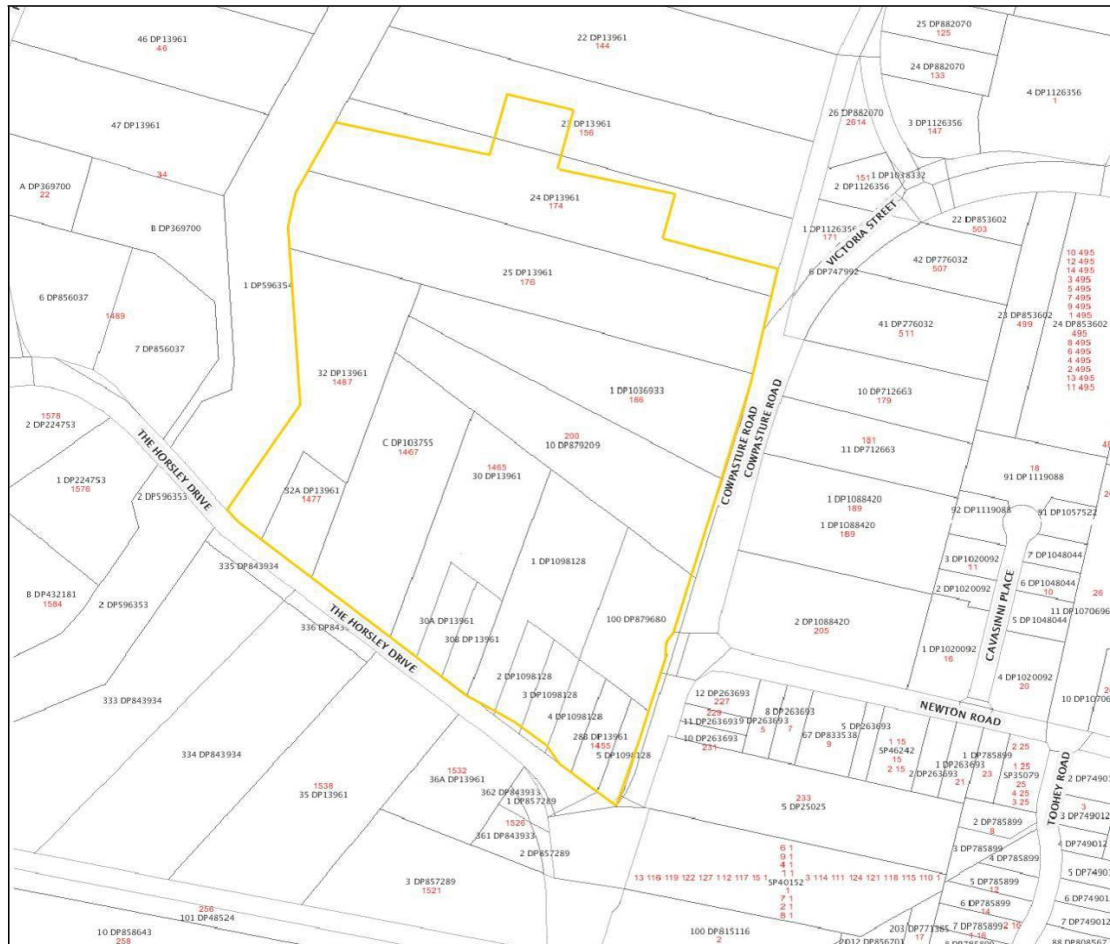


Figure 1: Site Location (Source: NSW Land and Property Information, 2012)

2.2 LAND OWNERSHIP

The land is owned by the Western Sydney Parklands Trust (the Trust).

2.3 EXISTING SITE CHARACTERISTICS

Fencing, farm dams, ancillary structures and services are currently accommodated within the Site. Reflecting its historic agricultural use, the site is predominately cleared of vegetation and covered with pasture grasses with only minor scattered stands of trees and scrub. The prior use of Lot 10 in DP 879209 as a fuel storage depot has resulted in localised contamination.

An aerial photograph of the site, showing the site characteristics (as at 05 February 2012) is provided as **Figure 2**.

The topography of the local landscape includes steep low hills (90-300m), usually with a southerly aspect, and with gradients of >20%. These landforms include undulating to rolling low hills (50-80m) with slopes of 5-20%, and flat to gently sloping alluvial plains with local relief up to 10m and slopes of up to 5%.

The proposed HDBP site itself has an undulating topography, with a dominant east-west ridge running through the land. This ridge effectively divides the site into two (2) catchments, with drainage generally running to the south-east in areas south of the ridge, and to the north-east in areas north of the ridge.

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The site contains a tributary of Orphan School Creek that runs through (from east to west) through the northern half of the property. This watercourse is now largely obscured as a result of a long history of farming activity. However, two moderately sized farm dams are located in the south western third of the study area, with a third located in the north western corner of the property. Each of these water retention dams were created post-1930 and prior to 1961.

A Site Survey was undertaken by Landpartners in May/June 2012 and is attached at **Appendix 3**.



Figure 2: Aerial Photograph (05 February 2012) (Source: NearMap, 2012)

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PART C PROPOSED MODIFICATIONS

3.1 PROJECT OBJECTIVES & JUSTIFICATION FOR PROPOSED MODIFICATIONS

The aim of the proposal is to create a business park within a small portion of the Western Sydney Parklands to enable viable return on investment that can be used to fund Western Sydney Parkland programs, initiatives and maintenance as provided by the *Western Sydney Parklands Plan of Management*.

To achieve the aim, the following objectives have been identified as forming the basis of the proposed development:

- Design the site to achieve viable economic return by creating allotments that are capable of accommodating facilities that meet user requirements;
- Develop the site into a high quality, employment-generating business park that makes a positive contribution to the Western Sydney Region;
- Ensure minimal environmental and amenity impact by implementing suitable stormwater management strategies and erosion and sediment control measures when developing the estate;
- Ensure the site selected is already under the ownership of the Western Sydney Parklands Trust is of low conservation value; and
- Ensure development is compatible with surrounding development and the local context

The site and proposed design are considered to meet the objectives of the project as it allows for the creation of a business park on land that is has been previously disturbed and used for agricultural and industrial purposes, adjacent to an established industrial precinct.

3.2 DESCRIPTION OF MODIFICATIONS

Modifications proposed to SSD 5169 are outlined below:

- *Reduce the number of allotments from 12 to 6 and amend building footprints;*

It is proposed to provide larger lot layouts that can accommodate facilities consistent with user requirements, GFA and overall functionality. A comparison of the approved developable site area and that proposed is provided below:

	Approved	Modified
Net Developable Site Area	200,807sqm	204,278sqm
Diff (+/-)	+3,471sqm	

The developable site area will be increased in the order of 3,471sqm. Increased setbacks will be achieved however to the intersection at The Horsley Drive and Cowpasture Road which will improve the visual outcome. Overall, the development is not considered to result in a development which is more intensive as impacts on the surrounding environment will not be exacerbated.

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- *Amend the staging of the development;*

Staging of the development is proposed over three stages, the lots adjoining Cowpasture Road are proposed as part of stage 1 comprising warehouses 1+5 and 6.

- *Amend retaining retaining wall heights;*

Due to the change in configuration of allotments, retaining wall heights are to be amended (increasing and decreasing in part) to accommodate the new layout. The proposed earthworks are shown on drawings **Co11492.05-DA31** through **Co11492.05-DA32**.

The indicative locations of the proposed retaining walls are shown on drawings **Co11492.05-DA61**, **Co11492.05-DA62** and **Co11492.05-DA65**. As a result of the adjustments to the lot configuration and earthwork levels, retaining wall locations and heights have also been adjusted. The location & height of the retaining walls shown on the above drawings are indicative only. The intention, where possible, is to integrate the retaining walls into landscaping areas by utilising aesthetically pleasing wall construction (such as boulders, gabion and stencilled concrete panels), introducing tiers and landscaping around walls. In particular this integration will occur in areas of high prominence such as The Horsley Drive frontage and at the estate entrance.

Where walls are in less prominent, standard wall construction will be performed.

Final details of walls will be completed in conjunction with Landscape Architects during detail design/ construction certificate stage of the project.

- *Re-shape detention basin to improve stormwater management outcomes;*

The proposed drainage layout is shown on drawings **Co11492.02-DA41** & **Co11492.02-DA42**. The proposed stormwater management strategy (as detailed in **Sections 5 & 6** of the Civil Report remains consistent with the previously approved arrangement however the revised Masterplan Layout allows for the upstream catchments (from West of the Sydney Water Channel and north of the site) to be diverted around the northern on-site detention/ bi retention basin (Basin 2). Overall storage volumes and bio-retention filtration areas are able to be reduced substantially as a result of this adjustment. The development catchment breakdown remains consistent with approved documents.

The differences in the drainage layout between the S96 drawings and approved development are as follows:

- Adjusted drainage layout to facilitate the new Masterplan Layout, road alignment and lot configuration;
- Diversion of upstream catchments, from the western side of the Sydney Water Channel and from the north of the site, around the development site and bypassing the estate on-site detention/ bio-retention basin (Basin 2);
- Adjusted layout, storage volume and bio-retention filtration area for Basin 2 as a result of the above diversion of upstream catchments around the basin;
- Realignment of the inter-allotment drains and overland flow paths; and
- Overall catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD5169.

No change to the stormwater management strategy for the development is to result.

- *Road works and intersection design*

The proposed access road is shown on drawings **Co11492.05-DA41** & **Co11492.02-DA42**. The road alignment, cross section and pavement details all remain consistent with

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the previously approved arrangement. Differences between the S96 drawings and approved development are as follows:

- Intersection location has been adjusted to be located on Cowpasture Road at the peak of the hill approximately midway between its intersection with Newton Road and Victoria Street. A roundabout layout has been provided to be generally consistent with the requirements of SSD-5169 Condition A15 however the new location allows for all turning manoeuvres onto Cowpasture Road; and
 - The new access road terminates with a Cul-de-sac turning head on the southern side of the development.
- *Registration of staged subdivision and titles prior to the construction and dedication of road works;*

Australand on behalf of the Western Sydney Parkland Trust and in agreement with the NSW DP&E intend to lodge an appropriate provision for security for the cost of the works being in place as per the EP&A Act 1979, clause 109J(1) and (2)(c). Once the security provision is received by the NSW DP&E, the Staged Subdivision Certificates may be released.

This approach is driven by the following factors:

Funding - Funding to commence and carry out the infrastructure services is only available once a residue title has been paid for by a potential customer. The residue title needs to be registered for payment being prior to the roads being constructed.

Timing - With funding arrangements in place, commencement of roads and infrastructure services can be carried out and completed at a similar time frame as the industrial building, meeting market expectations.

Occupation - Occupation of any facility occurs only when BCA and essential services compliance certificates have been completed and issued to Council.

To allow road works to be carried out concurrently with the development of the estate allotments, it is proposed to register the titles of the allotments as a 2 step process for each stage:

Stage 1 – Create residue lots and a lot for the road over 3 sub-stages. The road lot will have easements for services and right of carriageway created hence benefiting the newly created lots.

Stage 2 – Extinguish the easement for services and dedicate the road as “public road” to Fairfield City Council.

Figures 3 & 4 below provide a representation of approved and proposed scheme.

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Figure 3: Proposed Staging Plan (Australand, 2014)



Figure 4: Approved Staging Plan (Source: Hansen Yuncken, 2012)

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The following condition changes are sought to the Instrument of Approval dated 8 January 2013.

3.3 DESCRIPTION OF MODIFICATIONS TO INSTRUMENT OF APPROVAL

3.3.1 Schedule 1

Schedule 1

Application No:

SSD-5169

Applicant:

Western Sydney Parklands Trust

Consent Authority: :

Minister for Planning & Infrastructure

Land:

Corner of The Horsley Drive and Cowpasture Road, Wetherill Park and includes 19 Separate allotments identified in the table below

Development:

Horsley Drive Business Park subdivisions and infrastructure works comprising

- *~~12~~ 6 Residual lot subdivision and access road*
- *Demolition*
- *Remediation*
- *Bulk and detailed earthworks*
- *Estate infrastructure*
- *Estate landscaping*

3.3.2 Schedule 2 - Condition A2

It is requested that condition A2 of schedule 2 be amended to reference the correct approved documentation and plans as shown in red.

PART A ADMINSTRATIVE AND PERFORMANCE CONDITIONS

Development in Accordance with Approved Plans and Documents

A2. The applicant shall carry out the project with the:

- a) *Environmental Impact Statement titled Environmental Impact Statement, SSD 5169, The Horsley Drive Business Park, CNR The Horsley Drive and Cowpasture Road, Wetherill Park, prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd) 2012; **except as amended by Report titled Section 96(2) Modification Application to SSD 5169 dated December 2014 prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd).***
- b) *Response to Submissions report titled Response to Submissions Report SSD 5169 The Horsley Drive Business Park, CNR The Horsley Drive and Cowpasture Road, Wetherill Park, prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd) dated October 2012; **except as amended by Report titled Section 96(2) Modification Application to SSD 5169 dated December 2014 prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd).***

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Architectural (or Design) Drawings prepared by Concept Architecture			
Drawing No.	Revision No.	Name of Plan	Date
<i>HY-WY-MP-002</i>	<i>A</i>	<i>Concept Local Aerial</i>	<i>23.05.2012</i>
<i>HY-WY-MP-003</i>	<i>A</i>	<i>Concept Regional Aerial</i>	<i>23.05.2012</i>
<i>HY-WY-MP-004</i>	<i>A</i>	<i>Concept Lot Plan</i>	<i>23.05.2012</i>
<i>HY-WY-MP-005</i>	<i>A</i>	<i>Concept Topography Plan</i>	<i>23.05.2012</i>
<i>HY-WY-MP-006</i>	<i>A</i>	<i>Concept Staging Plan</i>	<i>23.05.2012</i>
<i>MP-WSPT-FS-011</i>	<i>B</i>	<i>Staging Plan</i>	<i>25.10.2014</i>
<i>MP-WSPT-SUB-0111</i>	<i>C</i>	<i>Subdivision Staging Plan 1</i>	<i>25.10.2014</i>
<i>MP-WSPT-SUB-0112</i>	<i>C</i>	<i>Subdivision Staging Plan 2</i>	<i>25.10.2014</i>
<i>MP-WSPT-SUB-0113</i>	<i>C</i>	<i>Subdivision Staging Plan 3</i>	<i>25.10.2014</i>
<i>MP-WSPT-SUB-0113</i>	<i>C</i>	<i>Subdivision Staging Plan 4</i>	<i>25.10.2014</i>
Landscape Drawings prepared by Habitation Landscape Architecture + Urban Design			
Drawing No.	Revision No.	Name of Plan	Date
<i>L00</i>	<i>E G</i>	<i>Title Page</i>	<i>26.09.2012</i> <i>27.08.2014</i>
<i>L01</i>	<i>E G</i>	<i>Landscape Concept Masterplan and Precedent Imagery</i>	<i>26.09.2012</i> <i>27.08.2014</i>
<i>L02</i>	<i>E H</i>	<i>Landscape Sections</i>	<i>26.09.2012</i> <i>28.08.2014</i>
<i>L03</i>	<i>E G</i>	<i>Planting Schedule</i>	<i>26.09.2012</i> <i>27.08.2014</i>
Civil Engineering Drawings prepared by Costin Roe Consulting Pty Ltd			
Drawing No.	Revision No.	Name of Plan	Date
<i>Co11492.00-DA10</i>	<i>B</i>	<i>Drawing List & General Notes</i>	<i>8.06.2012</i>
<i>Co11492.00-DA31</i>	<i>B</i>	<i>Bulk Earthworks Plan—Sheet 1</i>	<i>8.06.2012</i>
<i>Co11492.00-DA32</i>	<i>B</i>	<i>Bulk Earthworks Plan—Sheet 2</i>	<i>8.06.2012</i>
<i>Co11492.00-DA33</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 1</i>	<i>8.06.2012</i>
<i>Co11492.00-DA34</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 2</i>	<i>8.06.2012</i>
<i>Co11492.00-DA35</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 3</i>	<i>8.06.2012</i>
<i>Co11492.00-DA36</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 4</i>	<i>8.06.2012</i>
<i>Co11492.00-DA37</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 5</i>	<i>8.06.2012</i>
<i>9. Co11492.00-DA38</i>	<i>B</i>	<i>Bulk Earthworks Sections—Sheet 6</i>	<i>8.06.2012</i>
<i>10. Co11492.00-DA40</i>	<i>C</i>	<i>Concept Stormwater Masterplan</i>	<i>8.06.2012</i>
<i>11. Co11492.00-DA41-1</i>	<i>E</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 1</i>	<i>18.10.2012</i>
<i>12. Co11492.00-DA41-2</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 2</i>	<i>8.06.2012</i>
<i>13. Co11492.00-DA41-3</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 3</i>	<i>8.06.2012</i>
<i>14. Co11492.00-DA41-4</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 4</i>	<i>8.06.2012</i>
<i>15. Co11492.00-DA41-5</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 5</i>	<i>8.06.2012</i>
<i>16. Co11492.00-DA41-6</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 6</i>	<i>8.06.2012</i>
<i>17. Co11492.00-DA41-7</i>	<i>C</i>	<i>Concept Stormwater & Finished Levels Plan—Sheet 7</i>	<i>8.06.2012</i>

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18. Co11492.00-DA41-8	E	Concept Stormwater & Finished Levels Plan - Sheet 8	8.06.2012
19. Co11492.00-DA41-9	E	Concept Stormwater & Finished Levels Plan - Sheet 9	26.09.2012
20. Co11492.00-DA41-10	B	Concept Stormwater & Finished Levels Plan - Sheet 10	18.10.2012
21. Co11492.00-DA60	A	Retaining Wall Layout Plan	8.06.2012
22. Co11492.00-DA65	A	Retaining Wall Details	8.06.2012
Co11492.05-DA10	B	Drawing List & General Notes	2.12.2014
Co11492.05-DA20	B	Erosion and Sediment Control Details - Sheet 1	2.12.2014
Co11492.05-DA25	B	Erosion and Sediment Control Details - Sheet 1	2.12.2014
Co11492.05-DA31	B	Bulk Earthworks Plan - Sheet 1	2.12.2014
Co11492.05-DA32	B	Bulk Earthworks Plan - Sheet 2	2.12.2014
Co11492.05-DA33	A	Bulk Earthworks Sections - Sheet 1	2.12.2014
Co11492.05-DA34	A	Bulk Earthworks Sections - Sheet 2	2.12.2014
Co11492.05-DA40	B	Stormwater Catchment Plan	2.12.2014
Co11492.05-DA41	B	Concept Civil Works Plan - Sheet 1	2.12.2014
Co11492.05-DA42	B	Concept Civil Works Plan - Sheet 2	2.12.2014
11. Co11492.05-DA43	B	Bio Retention Basin Plan	2.12.2014
12. Co11492.05-DA45	B	Concept Stormwater Details Sheet 1	2.12.2014
Co11492.05-DA46	B	Concept Stormwater Details Sheet 2	2.12.2014
Co11492.05-DA50	B	Access Road Details	2.12.2014
Co11492.05-DA61	B	Retaining Wall Plan - Sheet 1	2.12.2014
Co11492.05-DA62	B	Retaining Wall Plan - Sheet 2	2.12.2014
Co11492.05-DA65	B	Retaining Wall Details	2.12.2014
Co11492.05-DA66	A	Retaining Wall Elevations - Sheet 1	2.12.2014
Co11492.05-DA67	A	Retaining Wall Elevations - Sheet 2	2.12.2014
Co11492.05-DA68	A	Retaining Wall Elevations - Sheet 3	2.12.2014
Co11492.05-SK01	A	Roundabout Layout and General Alignment	2.12.2014
Co11492.05-SK02	A	Roundabout Turning Paths Plan	2.12.2014

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3.3.3 Conditions B4, B7, D1, D6, D7, D10, D13 & D15

As discussed throughout this Report, the dedication of the estate road is to occur at the completion of the allotments. Condition D12 in respect of Sydney Water Section 73 requirements is also sought to be deleted as this is replicated in condition D9 of the existing approval.

It is requested that a new condition (D1A) be inserted which makes reference to the proposed staging of the subdivision and to provide clarity for certification purposes.

Consultation has also been carried out with Fairfield City Council in respect of the requirements set out in Condition B4. It is requested that this consultation be acknowledged in the condition and the fact the outcomes presented are deemed acceptable by Council.

Condition D7 is requested to be deleted as this requirement will be dealt with under future Development Applications for the built form facilities within the estate.

It is therefore requested that the amendments are made as shown in red below.

▪ **Design of On-Site Detention System**

B4.

- a) *The applicant shall demonstrate that the proposed OSD design complies with Fairfield City Council's OSD Policy as a minimum and that the applicant has considered the design principles outlined WSUD: Basic Procedures for 'Source Control' of Stormwater.*
- b) *To ensure public safety issues are addressed, the applicant shall undertake and submit a risk assessment of the proposed on-site detention/water quality improvement basins.*

Note: It is recommended that the applicant consult further with Council regarding the design and capacity of the proposed on-site detention and specifically the calculation of internal and external catchment areas, times of concentration, peak flows, detention volumes, detention of outflow structure and basin outflows. Further clarification and advice to Council on these clarifications is required to ensure there are no adverse flooding impacts from the proposal on properties downstream of the site.

Note: Further consultation with Fairfield City Council has occurred regarding the above matters and Council have confirmed that they are satisfied with the outcomes presented.

▪ **Maintenance Bond – Central Estate Access Road**

B7.

- a) **At the time of road dedication**, a maintenance bond covering the works associated with the internal central estate access road shall be provided to Council. The maintenance bond is to be paid in cash or bank guarantee. The value of the ma
- b) *bond will be determined by Council in accordance with the rates listed in Council's annual schedule of fees and charges following the submission of "work as executed" plans detailing all works constructed in association with the subdivision.*
- b) *The maintenance bond will be generally held by Council for a period of twelve (12) months from the date of dedication of the access road. The maintenance bond will be*

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released at the end of the maintenance period, being 12 months from the date of

dedication, subject to satisfactory performance of the works. Council may use the maintenance bond to carry out rectification works required at the end of the maintenance period, should the applicant fail to comply with any written request from Council to carry out such works.

▪ **Subdivision and Infrastructure Works – Works-As-Executed**

D1. Prior to the ~~issue of a subdivision certificate~~ **road dedication**, detailed “work as executed” shall be prepared and signed by a registered surveyor, which show the finished surface levels of the access road, road shoulder, driveway, interallotment drainage and any lot filling, carried out under this consent. The “work as executed”

*drawing shall be submitted to the certifying authority and Council, prior to ~~the issue of a subdivision certificate~~ **road dedication**.*

D1A. *Approval is granted under this consent (SSD 5169 – MOD 1) to carry out subdivision within the estate as a two phase process for each stage of the development:*

Stage 1 – Create residue lots and a lot for the road providing easements for services and right of carriageway (over 3 sub-stages).

Stage 2 – Extinguishment the easement for services, right, of carriageway and dedication of the road as “public road” to Fairfield City Council.

▪ **Subdivision Certificate Release Fee**

D6. *If Council is the Certifying Authority, the applicant shall make a payment to Council for a subdivision certificate release fee in accordance with Council's annual schedule of fees and charges. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council's annual schedule of fees and charges following compliance with the conditions of approval and the submission ~~of the Subdivision Certificate for road dedication~~. ~~At the time of issuing tis consent the fee is \$1,235 for 12 proposed lots and 1 service lot~~*

~~▪ **Satisfactory Access to all Lots**~~

~~**D7.** *Prior to the issue of a subdivision certificate the applicant shall have provided a vehicular layback to the kerb adjacent to all proposed allotments, in accordance with Council's specification, to ensure satisfactory access to all lots.*~~

▪ **Section 94A Development**

D10. *In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following Section 94A contributions:*

a) *Amount of Contribution*

(i) *\$135,302.79*

b) *Timing and Method of Payment*

(i) *The contribution shall be paid in the form of cash or bank cheque, made out to*

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- (ii) Council. For accounting purposes, the contribution may require separate
 - (iii) payments to different Council programs/projects, and you are advised to check with Council prior to making a payment.
 - (ii) Evidence of the payment to Council shall be submitted to the certifying authority prior to ~~issuing of a Subdivision Certificate~~ **road dedication**.
- c) Indexing
- (i) The contribution will be adjusted at the time of payment (if required) in accordance with the requirements of the EP&E Regulation and Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011.

~~— Sydney Water Compliance~~

~~D12-~~

~~A Section 73 Compliance Certificate under the Sydney Water Act 1994 from Sydney Water Corporation.~~

~~Application must be made through an authorised Water Servicing Coordinator. Please refer to the your business section of the website www.sydneywater.com.au then follow the developer icons or telephone 13 20 92 for assistance.~~

~~The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the subdivision certificate.~~

▪ **Post Construction Dilapidation Report**

D13. Prior ~~to the issue of a subdivision certificate~~ to road dedication:

- a) The applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - (i) Compare the post construction dilapidation report with pre-construction dilapidation required by these conditions.
 - (ii) Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- c) A copy of this report is to be forwarded to Council

▪ **Dedication**

D15. The internal central estate access road shall be constructed by the applicant and is to be dedicated to Council as a public road. Prior to any dedication, the applicant shall ensure that the construction of the road has been completed ~~the satisfaction of Council~~ **to the satisfaction of the certifying authority and conform to Council requirements and engineering standards**. Despite and formal dedication, the applicant shall remain responsible for the maintenance of the road for the duration of the maintenance period, being 12 months from the date of the dedication to the road to Council.

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3.3.4 Drawings

Drawings as listed above in Section 3.3.2 form part of the Modification Application.

3.3.5 Supporting Documents

Documents provided in support of the modification are outlined in **Table 4**.

Description	Author	Appendix No.
Director Generals Requirements & Instrument of Approval – SSD 5169	NSW DP&E	1
Concept Plans	Australand	2
Survey Plan	Landpartners	3
Staged Draft Plan of Subdivision	Landpartners	4
Landscaping Concept Plan	Habitation	5
Civil Engineering Report	Costin Roe Consulting	6
Civil Engineering Plans	Costin Roe Consulting	6
Acoustic Statement	Acoustic Logic Consulting	7
Traffic Impact Assessment	Road Delay Solutions	8
Land Title (Lot 10 in DP 879209)	NSW Land & Property Information	9

3.4 PROJECT NEED

As the Trust has been established as a self funded agency, income-generating activities will be derived from developing long term leases for business purposes on 2 percent of the Parklands. It is envisaged that these activities will provide an income stream of \$10 million per annum within the 10 year life of the WSP POM and will enable the Trust to deliver its mandate to create the largest parkland in Australia and fully implement facilities, programs and environmental initiatives.

The Horsley Drive Business Park will be the first commercial lease development within the 2% business hub land use allocation for the Parklands under the Western Sydney Parklands Plan of Management.

3.5 CONSIDERATION OF ALTERNATIVES

The options considered, and subsequently dismissed, in arriving to the current proposal included:

'Do Nothing' Scenario

Were the site to be developed in the current approved form, the ultimate end user requirements would not be met and revenue generating opportunities for the Trust would not be maximised. Accordingly, the modified scheme represents the most suitable use of the land and will deliver a range of economic and environmental benefits.

Development on an Alternative Site

As the appropriate studies have been undertaken as part of SSD 5169, it is considered that substantial evidence has been provided which confirms that the subject site within the parklands is the most suitable for the development.

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Controls and Policies

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this application:

Commonwealth Planning Context

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Native Title Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Western Sydney Parklands Act 1006*
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1979*
- *Threatened Species Conservation Act 1995*
- *NSW 2021 : A Plan to Make NSW Number One*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No.64 – Advertising Structures and Signage*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River*

Regional Planning Context

- *Metropolitan Plan for Sydney 2036*
- *Metropolitan Transport Plan*
- *Draft West Central Subregional Strategy*

Local Planning Context

- *Fairfield Local Environmental Plan 1994*
- *Draft Fairfield Local Environmental Plan 2011*
- *Fairfield City Wide Development Control Plan 2006*
- *Fairfield Employment Lands Strategy 2008*
- *Fairfield Retail and Commercial Centres Study 2005*
- *Direct (Section 94) Development Contributions Plan 2011*
- *Indirect (Section 94A) Development Contributions Plan 2011*
- *Western Sydney Parklands Plan of Management 2010*

4.1 COMMONWEALTH PLANNING CONTEXT

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Ecological Assessment carried out under SSD 5169 found that the subject land is of no relevance with respect to any threatened or migratory biota listed in the EPBC Act, or any activity on a Matter of National Environmental Significance (MNES). There is, consequently, no requirement for any referral of the proposal to the Commonwealth pursuant to the EPBC Act.

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Accordingly, no further investigation is required under the subject modification application.

4.1.2 Native Title Act 1999

The investigations under SSD 5169 identified that there are no lands determined to have native title, no registered native title claims, or indigenous land use agreements that apply to the subject site or its immediate vicinity.

4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW. Sections of the EP&A Act of particular relevance to the proposal are considered below.

Section 96 of the EP&A Act provides a mechanism to modify Development Applications made pursuant to part 4. Given the scope of amendments proposed, it is considered that Section 96(1A) applies to the proposal. The relevant provisions are detailed below:

(1A) Modifications involving minimal environmental impact
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposal as modified is deemed consistent with the above provisions as it will be substantially the same development as consent was granted for under SSD 5169. The resultant development will yield six (6) lots in lieu of 12 under the previous approval.

4.2.2 Western Sydney Parklands Act 2006

The Western Sydney Parklands Act 2006 (WSP Act) was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust's management of the Parklands. The establishment of the Trust and nominated members is currently being undertaken.

Clause 12 of the WSP Act identifies the key functions of the Trust. While the principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis, Clause 12(2) outlines additional functions, including:

- (j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the*

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Parklands with the object of supporting the viability of the management of the Parkland

Clause 12 also states the following actions of relevance to the proposed development are permitted by the Trust:

- (5) *In carrying out its functions, the Trust is to have regard to the principles of sustainable development, including ecologically sustainable development.*
- (6) *The Trust may, with the consent of the Minister, exercise functions on or in relation to land outside the Parklands (including, for example, acquiring any such land). The consent of the Minister is to be given only if the Minister is satisfied that the exercise of the Trust's functions in relation to that land is consistent with the exercise of its functions in relation to the Parklands.*

Nothing in the *Western Sydney Parklands Act 2006* prevents or restricts the development (as modified). Approval has previously been granted under SSD 5169 for the development of the site having regard to these objectives.

4.2.3 Heritage Act 1977

To ensure the objectives of the Heritage Act are satisfied in respect environmental heritage, an Aboriginal and non-Aboriginal Archaeological & Cultural Heritage Assessment (Heritage Assessment) was prepared as part of SSD 5169. Nothing in the scope of amendments proposed to the scheme warrants further consideration in respect of heritage.

4.2.4 Protection of the Environment Operations Act 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal (as modified) does not involve any specified use or building works at this stage. All future development of individual allotments created as part of this proposal will be subject to separate future development applications.

4.2.5 Threatened Species Conservation Act 1995

An Ecological Issues and Assessment Report prepared was prepared by SLR as part of SSD 5169 has considered the proposal against the Threatened Species Conservation Act 1995 (TSC Act). The findings are summarised as follows:

No threatened species were recorded on the subject land during the site inspection at Smithfield, although an individual of the 'vulnerable' Little Eagle was sighted soaring over the land. Further, given the highly disturbed nature of the subject land and the general locality, it is highly unlikely that any such species would occur on a frequent or regular basis.

Given these previous findings, it is not considered necessary to revisit this legislation having regard to the modifications proposed.

4.2.6 NSW 2021: A Plan to Make NSW Number One

NSW 2021 was developed by the NSW State Government to set economic, social and environmental directions for NSW. It sets targets, priorities and actions for delivery of

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services across the State. The strategies outlined in the Plan include:

- *Rebuild the economy*
- *Return quality services*
- *Renovate infrastructure*
- *Strengthen our local environment and communities*
- *Restore accountability to government*

The Parklands is a major contribution to the *NSW State Plan's* priority, *E8: More people using parks and reserves, participating in sport, recreation and cultural facilities* and *E4: Better environmental outcomes for native vegetation, biodiversity of lands and rivers.*

The proposed development (as modified) will contribute to the ongoing development of the Parklands for a range of functions in accordance with the State Plan and will strengthen the ability of the Trust to maintain environmental quality for the long-term. NSW 2021 provides the policy context for the State Government to support and assist the Trust in achieving significant benefits for NSW through such ventures whilst providing jobs within the Sydney Metropolitan Region.

4.2.7 State Environmental Planning Policy (State and Regional Development) 2011

Proposals involving development on sites that are listed in Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 are declared to be State Significant Development (SSD) under the new framework introduced in October 2011.

Schedule 2 includes:

5 Development in the Western Parklands

Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.

As the site is land to which this Clause relates, an application was previously made under the SSD framework. This application now seeks to modify SSD 5169 pursuant to Section 96(2) of the EP&A Act

4.2.8 State Environmental Planning Policy (Western Sydney Parklands) 2009

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP) applies to land identified on the Western Sydney Parklands Map (**Figure 8**) and includes the subject site. The relevant provisions of the Policy are address below.

Aims

The aim of the WSP SEPP is:

to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:

- (a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and*
- (b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and*
- (c) continuing to allow for and facilitate the location of government infrastructure and*

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- service facilities in the Western Parklands, and*
- (d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and*
 - (e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and*
 - (f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and*
 - (g) facilitating public access to, and use and enjoyment of, the Western Parklands, and*
 - (h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and*
 - (i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and*
 - (j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006, and*
 - (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.*

The proposal as modified is consistent with this aim as it provides for development within the Parklands that will financially support the functions of the Trust. The proposal will also provide employment opportunities for the Western Sydney Region in a location that will minimise environmental impact and relate to its contextual setting.

Bulk Water Supply

The proposal will adjoin land containing parts of the Bulk Water Supply Infrastructure.

The Civil Engineering Report and supporting Plans prepared by Costin Roe Consulting detail the intended civil engineering and infrastructure arrangement for the proposed estate, including stormwater quality and management controls.

Access to the Bulk Water Supply Infrastructure for maintenance and operation activities by the Sydney Catchment Authority and Sydney Water Corporation will not be impeded by the development.

Heritage Conservation

The site does not contain and does not adjoin any heritage items identified under the WSP SEPP. It is noted that the Bunya Pine adjoining the site at The Horsley Drive & Cowpasture Road intersection has historical associations with the State Heritage Listed Horsley Homestead complex.

Commercial Signage

Consent is to be sought separately for estate signage and does not form part of this application. This will require submission of a Development Application to Fairfield Council.

Development on Private Land

No land within the site is currently under private ownership.

It is noted that at the time of determination of SSD 5169, Lot 10 in DP 879209 was under private ownership, however this has since been transferred to the Trust (refer to title details attached at **Appendix 9**).

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4.2.9 State Environmental Planning Policy (Infrastructure) 2007

Traffic Generating Development

Among other functions, State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) (formally the Roads and Traffic Authority) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The referral thresholds for 'Industry' development are:

- *20,000m² or more in area with site access to any road; or*
- *5,000m² or more in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

The development does not propose any industrial floor area at this stage and is therefore not considered development that requires automatic referral to RMS under this trigger.

Similarly, the proposal does not trigger referral to RMS as a result of subdivision as the thresholds for such development under Schedule 3 are:

- *200 or more allotments where the subdivision includes the opening of a public road;*
or
- *50 or more allotments*

The proposal as modified seeks the creation of only six (6) superlots, plus two service lots.

4.2.10 State Environmental Planning Policy No 19 – Bushland in Urban Areas

The provisions of *State Environmental Planning Policy No 19 – Bushland in Urban Areas* do not apply to land to which the Western Sydney Parklands SEPP applies.

4.2.11 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

No building work or use forms part of the proposed development. Future separate applications will be made for intended activities to be undertaken within the Business Park.

4.2.12 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

WSP prepared a Remediation Action Plan under SSD 5169 for the site which details proposed methodologies for works required to make the areas impacted, suitable for unrestricted commercial land use. The work required as part of remediation includes:

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- removal of surface rubbish;
- TPH delineation of plume present on Lot 1 DP879209 and Lot 100 DP 879680 and possible remediation of groundwater
- TPH remediation in shallow soils on Lot 1 DP 879209

The modifications sought to SSD 5169 do not warrant reinvestigation in respect of land contamination.

4.2.13 State Environmental Planning Policy No. 64 – Advertising Structures and Signage

Consent is to be sought separately for estate signage. This will require submission of A Development Application to Fairfield Council. As such consideration of SEPP 64 is not required under this modification application.

4.2.14 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

SREP 20 covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney Region including the Fairfield Local Government Area.

As stipulated within Part C of this Report, there will be no change to stormwater quality or quantity outcomes for the proposed development. As such the proposal as amended is considered to satisfy the objectives of the SREP as it represents a less intensive scheme than that approved under SSD 5169.

4.3 REGIONAL PLANNING CONTEXT

Within a regional planning context, the following policies have been considered in respect of the modification:

- Metropolitan Plan for Sydney 2036
- Metropolitan Transport Plan
- Draft West Central Sub regional Strategy
- Draft Metro Strategy 2031

It is considered that the proposal as modified will be substantially the same as for which consent was originally sought and the resultant outcome will generate employment opportunities. The proposal will not restrict the future improvement of the regional road network and the additional generation of the site can be accommodated subject to the implementation of infrastructure upgrades.

The amended proposal will achieve the objectives consistent with SSD 5169 being:

- facilitate the ongoing development of the Western Sydney Parklands;
- contribute to the development of Fairfield as a Regional City; and
- provide an appropriate use of industrial lands for industrial use and employment purposes.

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4.4 LOCAL PLANNING CONTEXT

4.4.1 Fairfield Local Environmental Plan 2013

Application of LEP

Despite the provisions of FLEP 2013 not applying to the site, the provisions of FLEP 2013 are considered below in response to the DGRs issued.

Aims and Objectives

The aims and objectives of FLEP 2013 are:

- (1) This Plan aims to make local environmental planning provisions for land in Fairfield in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) The particular aims of this Plan are as follows:*
 - (a) to ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,*
 - (b) to ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,*
 - (c) to ensure that the recreational and social needs of the existing and future community are appropriately planned for,*
 - (d) to ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities,*
 - (e) to ensure the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*
 - (f) to conserve the environmental heritage of Fairfield,*
 - (g) to protect and manage areas of remnant bushland, natural watercourses and threatened species.*

The proposal as amended is consistent with the above objectives as the modification will result in the development being substantially the same as that for which consent was granted under SSD 5169. The employment generating potential of the site will be maintained whilst not resulting in unacceptable environmental impacts.

4.4.2 Fairfield City Wide Development Control Plan 2013

It is noted that Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 states:

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

- (a) State significant development*

...

The Environmental Impact Statement submitted with SSD 5169 addressed the provisions of Fairfield City Wide Development Control Plan 2006 as this was the current plan in force at the time. Subsequently, this plan has been repealed and DCP 2013 now applies.

The proposal as modified will be consistent with the objectives of the plan as the underlying employment generating potential of the land will be maintained whilst not resulting in unacceptable impacts

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PART E CONSULTATION

5.1 NSW DEPARTMENT OF PLANNING & ENVIRONMENT

Prior to lodgement of the subject Section 96(1A), the NSW Department of Planning & Environment were consulted in relation to the proposed changes to the approved Masterplan. In particular, the introduction of a new round-about on Cowpasture Road as part of the proposal was discussed and support was reiterated as RMS and Fairfield Council had previously indicated their support.

No objection was raised to the amended estate layout or the application being assessed under the provisions of Section 96(1A) of the Act, subject to sufficient evidence demonstrating minor environmental impact.

5.2 FAIRFIELD CITY COUNCIL

An informal meeting was held with Fairfield City Council on 2 December 2014 to discuss the revised Masterplan and intended lodgement of the Section 96(1A) Modification Application. Attendees at this meeting included:

- Michael Robinson (Australand)
- Paul Solomon (Australand)
- Andrew Cowan (McKenzie Group)
- Andrew Mooney (FCC)
- Sunnee Cullen (FCC)
- Nicoleta Diacopoulos (FCC)

Matters that we discussed in relation to the modification application are summarised below:

Modification of SSD 5169

- SSD 5169 is sought to be modified pursuant to Section 96 of the *Environmental Planning & Assessment Act 1979*.
- The revised scheme seeks to reduce the number of allotments from 12 to 6 and provide larger facilities in line with market demand.

Subdivision/Road Dedication

- Development of the estate is to be carried out over 3 stages
- Subdivision is to be a 2 phase process as follows:
 - 1) Stage 1 – Create residue lots and a lot for the road providing easements for *services and right of carriageway* (over 3 sub-stages).
 - 2) Stage 2 – Extinguishment the easement for services, right of carriageway and dedication the road as “public road” to Fairfield City Council
- The purpose of this process is to enable the road and buildings to be constructed concurrently.
- Australand requested that that the portion of land (known as lot 6 in DP747882) be dedicated as road to Council.

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- Council acknowledged that this process should occur as this represents the best outcome for development of the estate.

Retaining Walls/Landscaping

- Pad levels will be altered as a result of lot amalgamation.

Stormwater/Detention Basins

- The proposal will involve re-shaping of the basin, however there will be no change in terms of the outcomes for stormwater quality or quantity.
- A swept path plan has been prepared and will be submitted which confirms that vehicles will be able to manoeuvre for maintenance purposes.

Future Built Form

Development of the first warehouse facility will not exceed the \$10 Million threshold, thus Council will be responsible for the determination.

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PART F ENVIRONMENTAL RISK ASSESSMENT

6.1 DIRECTOR GENERAL'S REQUIREMENTS

Key environmental matters relevant to proposed modification application are addressed below, these include:

- Relevant Environmental Planning Instruments
- Strategic Policies, Guidelines and Planning Agreements
- Contamination
- Layout and Urban Design
- Economic Impact
- Ecologically Sustainable Development
- Noise
- Transport and Accessibility
- Sediment, Erosion and Dust Control
- Flora and Fauna
- Utilities
- Staging
- Contributions
- Flood and Stormwater Drainage Management
- Waste
- Heritage and Archaeology

6.2 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant environmental planning instruments have been considered in Part D of this Report in respect of scope of modifications which relate to this project.

It is considered that the proposal as modified will be consistent with the objectives of the relevant instruments as the changes proposed represent are a minor variation to the approved scheme and less intensive development of the site.

6.3 STRATEGIC POLICIES, GUIDELINES AND PLANNING AGREEMENTS

The strategies, policies, guidelines and planning agreements are considered in Part D of this Report. As the scope of changes result in the development being substantially the same as originally approved, consistency will be achieved with the key objectives, similar to SSD 5169 having regard to employment opportunities, traffic and transport and sustainable development.

6.4 CONTAMINATION

Contamination and further investigation and testing is proposed to be dealt with as per the conditions A10, A11 and A12 of SSD 5169. Given the earthworks proposed under the modification application will not differ from that approved, it is not considered necessary to carry out further studies.

Bulk earthworks will necessitate different volumes of cut and fill in areas of the site, however the nett result overall will be unchanged.

6.5 LAYOUT AND URBAN DESIGN

Key features of the proposed design include:

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Access Road

The location of the central access road will remain largely unchanged under the subject modification application. The design of the road will be maintained to Fairfield Council standards; it is proposed however to dedicate this road to Council at the completion of the facilities throughout the respective stages.

The difference between the Section 96(1A) submission and the previous approval are outlined below:

- Intersection layout adjusted to meet requirements of SSD 5169 Condition A15. The intersection design has been approved by Fairfield City Council Traffic Committee, the NSW Road and Maritime Services delegated authority, as per the requirements of Condition A15; and
- Cul-de-sac turning head location has been moved south to align with the extent of the development and to allow the overland flow path to be conveyed around the cul-de-sac without the need for major culvert works.

Based on the above, it is considered that the proposed access road is suitable for the estate and will adequately service future development, in an improved format from that previously approved.

Lot Layout

It is proposed to reduce the number of allotments from 12 to 6 to accommodate market demand and end user requirements. The resultant built outcome will be larger facilities which are in line with market trends.

Landscaping

A revised landscape plan has been prepared by Habitation and is provided at **Appendix 5** for reference. Of particular relevance, the plan seeks to improve the treatment of the site at the corner of The Horsley Drive and Cowpasture Road by integrating the retaining walls into landscaping areas by utilising aesthetically pleasing wall construction (such as boulders, gabion and stencilled concrete panels), introducing tiers and landscaping around walls.

The revised scheme seeks to provide identity to the estate, provide environmental value through the provision of natural systems and species that are contextually appropriate to the adjoining Parklands as well as provide visual amenity and streetscape presentation within the locality.

Infrastructure

The provision of essential infrastructure will be achieved as per SSD 5169 and remain unobtrusive and integrated into the other elements of the estate. In particular, on-site detention basins are to be incorporated into the overall landscape design and have been designed to satisfy the terrain modifications proposed to facilitate the estate without impacting pre-development characteristics.

6.6 ECONOMIC IMPACT

The Capital Investment Value for the subject development (infrastructure works subdivision) will remain unchanged under the modification application.

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The Western Sydney Parklands Trust aims to derive revenue from 2% of the Parklands from business hub facilities to generate the income necessary to manage and enhance the remaining 98% of the Parklands in lieu of government funding.

The revenue generated from business hubs will fund conservation and environmental initiatives, as well as the expansion of additional recreation, open space and educational programs for the people for Western Sydney such as 250ha of new picnic and playgrounds, over 35km of new bike and walking track links through the Parklands, building 1000ha of new bushland and catering to the needs of around 2 million visitors to the parklands each year.

Reduction of the number allotments from 12 to 6 and revised staging will generate the forecast revenue which was modeled under SSD 5169.

6.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The design of the Horsley Drive Business Park has been specifically targeted to produce an 'eco business park' focus. While the future development of individual allotments will provide a significant role in providing the ecologically sustainable outcomes through building design and orientation, activity practices, on-site water management, landscaping and waste management, the framework of the estate has similarly been designed to maximise environmental quality and minimise resource reliance.

The key considerations are outlined below:

Water Management

The modification application seeks to carry the following amendments in respect of stormwater management:

- Adjusted drainage layout to facilitate the new Masterplan Layout, road alignment and lot configuration;
- Diversion of upstream catchments, from the western side of the Sydney Water Channel and from the north of the site, around the development site and bypassing the estate on-site detention/ bio-retention basin (Basin 2);
- Adjusted layout, storage volume and bio-retention filtration area for Basin 2 as a result of the above diversion of upstream catchments around the basin;
- Realignment of the inter-allotment drains and overland flow paths; and
- Overall catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD5169.

Overall, the stormwater quality and quantity outcomes will remain unchanged to ensure acceptable outcomes for the estate, consistent with SSD 5169.

Transport

The Traffic Impact Assessment submitted with SSD 5169 identified that bus, rail (with bus connection), cycleway and walking paths are readily available to the site and are likely to be increased as further development occurs in the Estate.

The proposal as amended is capable of achieving sustainable transport outcomes as provided in the original submission.

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Landscaping

The plan provided at **Appendix 5** demonstrates that the planting scheme will provide a sufficient level of visual amenity of the estate within the public domain. Suitable provision of pervious area is achieved for throughout the estate for stormwater management purposes.

Remediation

Based on the design proposed and the supporting documentation under SSD 5169, sustainable outcomes have been achieved by:

- Roads and transportation design (with options for further individual development strategies)
- Earthworks minimisation;
- Contamination remediation;
- Stormwater management (quality and quantity);
- Erosion and sedimentation control; and
- Integrated landscaping.

No change is proposed to the above measures under the subject modification application.

6.8 NOISE

Based on the proposed changes, the previously conducted Construction Noise and Vibration Management Plan (Ref: 20120287.1/1909A/R2/BW) remain accurate and the findings of the report are unchanged for the revised development. Acoustic Logic have provided written advice to this effect in respect of the revised scheme (refer **Appendix 7**).

6.9 TRANSPORT & ACCESSIBILITY

The Traffic Impact Assessment prepared by Traffix, May 2012 as part of SSD 5169 provided the outcomes of detailed modelling undertaken in consultation with the NSW Roads and Maritime Authority, including independent peer review.

Although the development of individual allotments did not form part of this application, analysis based on full development was undertaken to estimate the total daily and peak hour trips anticipated to be generated by the business park, including accurate details of the current and future daily vehicle movements and assess the impacts of the traffic generated on local road networks, intersection capacity and the potential need/associated funding for upgrading or road works.

The conditions and traffic impacts reported in a Traffic Impact Assessment¹, dated May 2012, pertained to the original application and a structure plan detailing a site area of 21.4ha. The generation rate adopted in the fore mentioned report was 15 vehicles per hour per hectare and was recommended for use by the Roads and Maritime Services (RMS). This generation rate has been applied to the revised structure plan and modelling of the Cowpasture Road intersection with the Horsley Drive Business Park Access, some 130m north of the Newton Road intersection, has been undertaken utilising the SIDRA program.

Based on the RMS '*Guide to Traffic Generating Developments*', the revised Business Park structure will generate 4,607 vehicle trips daily, with 1,368 vehicle trips, including heavy vehicles trips, occurring during the morning and evening commuter peak periods, combined. The AM and PM peak commuter peak hours will generate 684vph, respectively.

Accordingly the revised proposal is considered satisfactory in this respect.

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6.10 SEDIMENT, EROSION AND DUST CONTROL

Under SSD 5169, various strategies were identified to address sediment, erosion and dust control. These are sought to be maintained under the subject modification application, nonetheless, a summary of the measures is outlined below.

Sediment/Erosion

During the construction phase of the development, an Erosion and Sediment Control Program will be implemented to minimise water quality impacts. The overall strategy for erosion and sediment control for the development remains consistent with the original submission as documented on drawings.

The proposed erosion and sediment control measures are based on the guidelines contained in the Landcom document *Managing Urban Stormwater, Soils and Construction – The Blue Book* (1998) and Fairfield Council specifications. A detailed Erosion and Sediment Control Program will be employed throughout the site. The program shall include measure such as temporary sediment basins, silt fences, cut-off drains for polluted stormwater and diversion channels for clean stormwater run-off.

Dust

The Construction Management Plan prepared by Hansen Yuncken (acting as Project Managers for the Trust) as part of SSD 5169 notes that a Dust Control Plan will be implemented for the proposal. These commitments will be fulfilled under the subject application and include:

- Visually viewing site works and utilising digital photos to record and witness dust control procedures during random site inspections.
- Undertaking audits on a regular basis to review dust control procedures and practices.
- Reporting on a monthly basis to the Project Control Group. Such reports to include:
 - Relevant Trade Contractor reports for the period.
 - Other Important information / events that generated dust and how it was controlled (if not covered by the Trade Contractor reports).
 - Overall assessment of dust control practices and procedures for the month.

6.11 FLORA AND FAUNA

Much of the land is already largely cleared, either as a result of the past agricultural and rural-residential land uses or for the present residential and industrial developments.

The ecological assessment conducted under SSD 5169 concluded that the subject land at Smithfield is of no relevance with respect to any threatened or migratory biota listed in the *Environment Protection & Biodiversity Conservation Act 1999*, or any other Matter of National Environmental Significance.

The scope of the amendments for which consent is sought under the subject application do not warrant further investigation. As such the proposal is considered to result in no unacceptable impacts in terms of flora and fauna.

6.12 UTILITIES

As part of SSD 5169, Hansen Yuncken (as the former Project Managers acting for the Trust) prepared a Utilities Report and Infrastructure Management Plan for the proposed development. This Report addressed the existing capacity of services to the Site, required augmentation to service the Site and the staging by which this will be achieved. It is noted

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that the servicing strategy is less onerous than many other State Significant Developments, given the location of the Site is located directly adjacent to an existing industrial precinct and in most cases the services have existing capacity readily available.

The modifications sought under the subject application will achieve consistency with this strategy

in respect of water, sewer, electricity, gas and telecommunications

6.13 STAGING

The proposed modification is to develop eight (8) allotments over three (3) stages.

Subdivision is to be a 2 phase process as follows:

Stage 1 – Create residue lots and a lot for the road providing easements for services and right of carriageway

Stage 2 – Extinguishment the easement for services, right of carriageway and dedication the road as “public road” to Fairfield City Council.

The premise of this approach is to enable the roads and the facilities on the lots to be constructed concurrently, with the road delivered in stages as demand requires.

A modified estate staging plan is annexed to this report at **Appendix 2**.

6.14 CONTRIBUTIONS

No contributions are applicable under the *Direct (s94) Development Contributions Plan 2011*. Contributions are applicable under the *Indirect (s94A) Development Contributions Plan 2011*. These will be paid as per the conditions contained within the Instrument of Approval.

6.15 FLOOD AND STORMWATER DRAINAGE MANAGEMENT

Some minor differences in the drainage layout can be seen between the S96(2) drawings at **Appendix 6** and previous submission however these are minor in nature and do not affect the overall stormwater management strategy for the development. The differences are as follows:

- Adjusted drainage layout to facilitate the new Masterplan Layout, road alignment and lot configuration;
- Diversion of upstream catchments, from the western side of the Sydney Water Channel and from the north of the site, around the development site and bypassing the estate on-site detention/ bio-retention basin (Basin 2);
- Adjusted layout, storage volume and bio-retention filtration area for Basin 2 as a result of the above diversion of upstream catchments around the basin;
- Realignment of the inter-allotment drains and overland flow paths; and
- Overall catchments draining to Basins 1 and 2 from the development site remain consistent with documents approved under SSD5169.

Based on the above, the modified proposal is satisfactory in respect of stormwater management.

6.16 WASTE

Under SSD 5169, Hansen Yuncken (as the Project Manager acting for the Trust) prepared a Construction Management Plan which includes waste management strategies to be

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undertaken. Some of the key recommendations which will be complied with include:

- Separate waste generated during the construction process into the appropriate recycling containers / bins provided.
- Return unnecessary and/or unwanted packaging back to the supplier so as they become aware that such packaging is not required.
- Promote participation in local and state authority waste reduction policies.

A separate detailed Waste Management Plan can be prepared prior to the issue of a Construction Certificate.

6.17 HERITAGE & ARCHAEOLOGY

A combined *Aboriginal and European Archaeological & Cultural Heritage Assessment* (Heritage Assessment) that included the outcomes of consultation undertaken with the local Aboriginal community for the project, an evaluation of the results of the site inspections, and a discussion of the Aboriginal and European archaeological and cultural heritage management conclusions was prepared for SSD 5169 by Dominic Steele Consulting Archaeology.

The framework for the protection of any documented and/or potential Aboriginal and European archaeological sites (or areas of potential cultural heritage sensitivity) relative to the proposed development remains unchanged for the subject modification application.

6.18 ABORIGINAL HERITAGE

The potential Aboriginal archaeological resource is assessed to be of low (scientific) archaeological significance due to the highly disturbed nature of the site, and that any finds that may be exposed in the future will be largely unexceptional in nature with minimal archaeological research potential.

Recommendations

The following recommendations were provided within the Heritage Assessment under SSD 5169 to ensure ongoing management of aboriginal heritage:

1. *Based on the conclusion that the development proposal will not directly impact upon any identified Aboriginal archaeological sites or objects, and also that the potential for undetected Aboriginal archaeological items to occur within the property that may be affected by future uses is assessed to be low, it is therefore recommended that there are no Aboriginal archaeological constraints to the HDBP proposal proceeding*

as planned intended and that no further Aboriginal archaeological heritage input is warranted.

2. *In the (largely) unexpected circumstance that any Aboriginal objects are unearthed as a result of residential housing construction works in the future, it is recommended that activities should temporarily cease within the immediate vicinity of the find locality, be relocated to other areas of the site and the OEH be contacted to advise on the course of action to allow the identified item(s) to be appropriately managed.*

The above commitments are to be fulfilled under the subject application.

6.19 ARCHAEOLOGICAL IMPACTS

Neither the land that comprises the proposed HDBP site itself, nor any of the existing elements that are contained within it (either built or archaeological), are listed on any State or Local European heritage register or schedule, including the State Heritage Register and the Fairfield Local Environmental Plan.

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The property is assessed to be a place of minimal archaeological potential of low Local significance. It is therefore concluded that there are no identified European archaeological constraints to the subdivision and future development proposal proceeding as planned

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PART G STATEMENT OF COMMITMENTS

by Western Sydney Parklands Trust
in relation to Horsley Drive Business Park
at Corner of The Horsley Drive and Cowpasture Road, Wetherill Park

The amendments to the Statement of Commitments are shown below in red.

The Western Sydney Parklands Trust (the Trust) will undertake the proposed Horsley Drive Business Park development in accordance with the following commitments:

The following defines some of the terms and abbreviations used in the Statement of Commitments:

Approval	The Minister's approval to the Project
BCA	Building Code of Australia
Council	Fairfield City Council
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or delegate)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
OEH	Office of Environment and Heritage
Project	The development as described in the EIS
Site	Land to which the project application applies

ADMINISTRATIVE COMMITMENTS

Commitment to Minimise Harm to the Environment

1. The Trust will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project.

Terms of Approval

2. The Trust will carry out the project generally in accordance with the:
 - a) Environmental Impact Statement;
 - b) Specialist Reports;
 - c) Drawings;
 - d) This Statement of Commitments; and
 - e) Any Conditions of Approval.
3. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
4. The Trust will comply with any reasonable requirement/s of the Director-General of the Department of Planning and Infrastructure arising from the Department's assessment of:
 - a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and

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- b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

Structural Adequacy

5. The Trust will ensure that all construction on the site is undertaken in accordance with the relevant requirements of the BCA and Australian Standards where applicable.

Construction Traffic Management Plan

6. The Trust will prepare and implement a Construction Traffic Management Plan in consultation with Council, and to the satisfaction of the Director-General. This plan will:
 - a) be submitted to the Director-General for approval prior to the commencement of construction;
 - b) describe the traffic volumes and movements to occur during construction;
 - c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and
 - d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

Operation of Plant and Equipment

7. The Trust shall ensure that all plant and equipment used on site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

Subdivision/Road Dedication

8. **The Trust shall carry out the development of the estate over 3 stages. Subdivision is to be a 2 phase process as follows:**
 - 3) **Stage 1 – Create residue lots and a lot for the road providing easements for services and right of carriageway (over 3 sub-stages).**
 - 4) **Stage 2 – Extinguishment the easement for services, right of carriageway and dedication of the road as “public road” to Fairfield City Council**

SPECIFIC ENVIRONMENTAL COMMITMENTS

Noise

9. Construction on the site will only be undertaken between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction will be allowed on site on Sundays or public holidays.

Air

Construction Traffic

10. During construction:
 - a) all trucks entering or leaving the site with loads have their loads covered;
 - b) trucks associated with the project do not track dirt onto the public road network; and
 - c) the public roads used by these trucks are kept clean.

Dust Management

11. During the construction phase of the project, all reasonable and feasible measures to minimise the dust generated by the project.

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Waste Management

12. The Trust will ensure that all waste generated on site during operation is classified in accordance with the Office of Environmental and Heritage's Waste Classification Guidelines: Part 1 Classifying Waste and disposed of to a facility that may lawfully accept the waste.

END

Name:

Signed:

Date:

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PART H PROJECT JUSTIFICATION

The proposal is considered to be justified in the context of environmental, social and economic terms and is compatible with the locality in which it is proposed.

This application is lodged on the basis of:

Supporting State, Regional and Local planning objectives

The proposal (as amended) is consistent with the objectives and strategies outlined within the *Metropolitan Plan for Sydney 2036*, the *Draft West Central Subregional Strategy*, and *State Environmental Planning Policy (Western Sydney Parklands) 2009*. The proposal is also consistent with all relevant environmental strategies for the locality with particular reference to employment generation, long-term open space provision and environmental protection.

Appropriate use of Parkland Assets

The proposal (as amended) represents an appropriate use of the Western Sydney Parkland land assets under the *Western Sydney Parklands Plan of Management and Western Sydney Parklands Act* in order to maintain a self-sustaining organisation that will provide long term open space and ecological benefits to the Greater Sydney Region.

Environmental impacts have been minimised

Under SSD 5169, specialist hazard consultants have assessed the risks and determined that the development can be undertaken with minimal environmental impacts. No significant risk to the locality is to result from the proposal. No change to these findings has arisen part of the modification application

Compatibility with surrounding development

The proposed use is compatible with existing uses on the subject site and adjacent land. The investigations undertaken as part of this application conclude that no significant cumulative impact is to occur from the proposed use of the site for the Horsley Drive Business Park.

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PART I CONCLUSION

The proposed development of land at the corner of The Horsely Drive and Cowpasture Road for the purposes of the Horsley Drive Business Park is consistent with the intended use of the Western Sydney Parklands Plan property assets in accordance with the adopted Plan of Management.

The proposal as modified is consistent with the State Plan (*NSW 2021: A Plan to Make NSW Number One*) the Sydney Metropolitan Strategy and draft Metro Strategy by providing ongoing support to open space and recreation, forming the basis for long-term environmental management and creating employment opportunities for Western Sydney. The proposed development is also consistent with the legislative and policy framework for the local and regional area.

Based on the findings of this Report, the proposal supports the continued development of the Western Sydney Parklands, providing employment and contributing to the retention and growth of the Western Sydney Parklands Trust. The proposal is suitable for the local context and is appropriate based on social, cultural, economic and environmental considerations.

As such, it is recommended that the proposed modification to SSD 5169 be supported by the Department of Planning and Environment.

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APPENDIX 1

Director General's Requirements and Instrument of
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APPENDIX 2

Concept Plans

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APPENDIX 3

Survey Plan

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APPENDIX 4

Draft Staged Plan of Subdivision

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APPENDIX 5

Landscape Concept Plan

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APPENDIX 6

Civil Engineering Report & Drawings

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APPENDIX 7

Acoustic Report

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APPENDIX 8

Traffic Impact Assessment

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APPENDIX 9

Land Title