

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I determine:

- (a) to grant consent to the concept development application referred to in Schedule 1, subject to the conditions specified in Schedules 2 to 3; and
- (b) that pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development not having a capital investment value in excess of \$10 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 9 November 2017

SCHEDULE 1

Application No:	SSD 7664
Applicant:	Western Sydney Parklands Trust
Consent Authority:	Minister for Planning
Land:	Horsley Drive, Wetherill Park (Lots 17-22 DP 13961 and Lot 2 DP 1212087)
Development:	<p>Horsley Drive Business Park Stage 2 concept development application, comprising:</p> <ul style="list-style-type: none">• Concept Proposal for:<ul style="list-style-type: none">– establishment of up to 88,700 m² of Gross Floor Area for general industrial, light industrial, warehouse and distribution and ancillary office land uses; and– conceptual development levels, footprints and building envelopes for Lots 1-4, road layout and site access and landscape designs.• Stage 1 works for:<ul style="list-style-type: none">– subdivision of the site into seven lots (Lots 1-4 to be developed and Lots 5-7 to be residual lots);– construction of an access road off Cowpasture Road;– demolition of existing structures on-site;– bulk earthworks;– site infrastructure, including stormwater infrastructure; and– estate landscaping.

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Applicant	Western Sydney Parklands Trust, or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
Concept Proposal	The Concept Proposal comprises the establishment of up to 88,700 m ² of Gross Floor Area general industrial, light industrial, warehouse and distribution and ancillary office land uses and conceptual development levels, footprints and building envelopes, road layout and site access and landscape designs
Conditions of this consent	The conditions contained in Schedule 2 and 3 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including earthworks, and other infrastructure permitted by this consent
Council	Fairfield City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning and Environment
Development	The development as described in the EIS and Submissions Report as modified by and subject to the conditions of this consent
DPI	NSW Department of Primary Industries
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement submitted with the concept development application, titled Horsley Drive Business Park Stage 2 (SSD 7664) – Western Sydney Parklands Concept Proposal and Stage One DA, prepared by JBA Urban Planning Consultants Pty Ltd dated December 2016
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	An Environment Protection Licence as defined in the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
GFA	Gross floor area
Harm	to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, and such harm will be material if: <ul style="list-style-type: none"> (a) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (b) it results in actual or potential loss of property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Heavy vehicle	A vehicle that has a Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the <i>Heritage Act 1977</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local Environmental Plan under the EP&A Act, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none"> (a) causes or threatens to cause material harm to the environment; or (b) results in non-compliance with this consent
Land	Has the same meaning as the definition of the term in section 4 of the EP&A A
Minister	NSW Minister for Planning (or delegate)
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Sensitive Receivers	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Site	The land listed in Schedule 1
Site Auditor	Has the same meaning as the definition of the term in section 4 of the <i>Contaminated Land Management Act 1997</i>
Submissions report	The report submitted to the Secretary under the EP&A Act comprising a response to written submissions made during the public exhibition period of the EIS, dated 17 July 2017
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>
Upper Canal	Upper Canal Heritage item listed on the NSW State Heritage Inventory located on land identified as Lot 1 DP 596354

SCHEDULE 2: CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT

PART A TERMS OF CONSENT FOR CONCEPT DEVELOPMENT

TERMS OF CONSENT

- A1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Secretary;
 - (c) in accordance with the EIS and Submissions report;
 - (d) the following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

Architectural Drawings prepared by Concept Architecture Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
WS-HW-MP-005	K	Indicative Masterplan	22.09.2017

- A2. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- A3. The Applicant must comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

STATUTORY REQUIREMENTS

- A4. The Applicant must ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals/consents.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with section 83B(3) of the EP&A Act, the subsequent stages are to be subject of future development applications.
- A6. The determination of the future development application(s) are to be consistent with the terms of this consent as described in Schedule 1, and subject to the conditions in Schedules 2 and 3.

LIMITS OF CONSENT

- A7. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A9. This consent does not approve the erection of any buildings.
- A10. The Applicant shall ensure the future development of the site is consistent with the development controls in Table 1 below:

Table 1: Development Controls

Development Aspect	Control
Setback to Cowpasture Road	10 metres
Internal estate road setback	7.5 metres
Western boundary and canal setback to lot	4 metres
Maximum Building Height	16 metres
Maximum Floor space ratio	1:1
Site coverage	Maximum of 65 per cent
Minimum lot size for industrial lots	10,000 m ²

- A11. The following limits apply to future development on the site:
- (a) the maximum GFA for the warehouses shall not exceed the limits outlined in Table 2 below; and

- (b) loading docks, car parking and internal access driveways to buildings are not approved.

Table 2: GFA Maximum for Concept Development

Land Use	Maximum GFA (m ²)
Total Warehouse	86,200
Total Office	2,500
Total GFA	88,700

STAGED SUBMISSION OF PLANS OR PROGRAMS

- A12. With the approval of the Secretary, the Applicant may:
- submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - combine any strategy, plan or program required by this consent.
- A13. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined must be demonstrated.

EVIDENCE OF CONSULTATION

- A14. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
- consult with the relevant public authority prior to submitting the required documentation to the Secretary or the certifying authority for approval, where required;
 - submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
 - include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

PART B CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS

TRAFFIC AND ACCESS

- B1. Car parking must be provided in accordance with the *RMS Guide to Traffic Generating Developments* and at the following rates:
- 1 space per 300 m² GFA for general and light industrial and warehouse and distribution centre uses;
 - 1 space per 40 m² GFA for office uses; and
 - 1 space per 100 car parking spaces or part thereof for accessible car parking.
- B2. Future development on the site must meet the following requirements:
- internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 1428.1*, *AS 2890.1*, *AS 2890.2* and *AS 2890.6*;
 - the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - vehicles must not queue on the public road network;
 - heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - all vehicles are wholly contained on site before being required to stop;
 - all loading and unloading of materials is carried out on-site;
 - all vehicles enter and exit the site in a forward direction;
 - all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.
- B3. Access to lots must be provided in accordance with Council's specifications.

BICYCLE PARKING AND END OF TRIP FACILITIES

- B4. Bicycle parking or end of trip facilities is to be provided in accordance with relevant guidelines and standards.

SOIL AND WATER

- B5. The development must be designed and constructed to be capable of obtaining a section 73 Compliance Certificate from Sydney Water Corporation in accordance with the *Sydney Water Act 1994*. Prior to the commencement of operations on the site a section 73 Compliance Certificate must be obtained from Sydney Water Corporation.
- B6. All development on the site must comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters, except as expressly provided in an Environment Protection Licence.
- B7. All building floor levels must be a minimum of 500 millimetres (mm) above the 1 in 100 year flood level.
- B8. Erosion and sediment control measures on-site must be in accordance with *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004).

LANDSCAPING

- B9. Landscaping must be consistent with the key principles and plant species described in the Landscape Plans prepared by Arcadia Landscape Architecture Pty Ltd dated September 2017.
- B10. Landscaping must screen any acoustic barrier referenced in condition B13 of Schedule 2, blank walls or loading docks from any nearby sensitive receiver with a mix of shrub planting and trees and be provided to the satisfaction of the consent authority.
- B11. In accordance with the recommendations provided in the Heritage Impact Statement, prepared by Biosis dated 9 November 2016, landscaping must include shrubs and trees capable of reaching and buffering proposed building heights and building design to avoid adverse impacts on the significance of the Upper Canal.

NOISE AND VIBRATION

Operational Noise Limits

- B12. For all future development at the site, noise generated during operations must not exceed the noise limits outlined in Table 3 when measured at the property located at 28 Trivet Street, Wetherill Park.

Table 3: Noise Limits dB(A)

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(1 minute)
28 Trivet Street, Wetherill Park	52	49	47	57

Note: Noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

- B13. If the construction of an acoustic barrier is required to achieve the noise limits in Condition B12 above, the barrier must be maintained as required and comprise a density of at least 10-15 kg/m².

TRANSMISSION LINE EASEMENT

- B14. Future development on the site which is located within 15 metres of a transmission tower or in close proximity to Endeavour Energy's electrical network must:
- (a) be constructed of non-conducting materials;
 - (b) must maintain the integrity of all line structures and stay pole/wires at all times; and
 - (c) comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth.
- B15. Final design drawings must be submitted to Endeavour Energy prior to the commencement of works to confirm no impact on Endeavour Energy's transmission towers.
- B16. Trees must not be planted within the transmission line easement.

Access

- B17. The Applicant must ensure that access to the transmission towers, lines and easement is maintained at all times.

Earthworks and Construction

- B18. Prior to the commencement of construction, the Applicant must obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated regulations to identify the location of any underground electrical or other utility infrastructure on the site as well potential hazards associated with existing utilities on the site.
- B19. All construction works are to be carried out in accordance with the NSW WorkCover *Work near Overhead Powerlines Code of Practice 2006*.

SCHEDULE 3: CONDITIONS OF CONSENT FOR STAGE 1

PART A ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A8. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Secretary;
 - (c) in accordance with the EIS and Submissions Report;
 - (d) the following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

Landscape Drawings prepared by Arcadia Landscape Architecture Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
101	B	Colour Landscape Masterplan	September 2017
102	I	Key Principles	September 2017
103	I	Precedents - WSUD	September 2017
104	I	Precedents - Landscape Elements	September 2017
105	I	Colour Landscape Masterplan	September 2017
106	I	Landscape Plan – Warehouse 4	September 2017
107	I	Landscape Plan – Warehouse 1	September 2017
108	I	Landscape Sections	September 2017
109	I	Landscape Sections	September 2017
110	I	Landscape Sections	September 2017
111	I	Landscape Sections	September 2017
112	I	Landscape Sections	September 2017
113	I	Planting Palette	September 2017
114	I	Planting Schedule	September 2017
200	I	Landscape Masterplan	September 2017
201	I	Softworks Plan	September 2017
202	I	Softworks Plan	September 2017
203	I	Softworks Plan	September 2017
204	I	Softworks Plan	September 2017
205	I	Softworks Plan	September 2017
501	I	Landscape Details	September 2017
502	I	Landscape Details	September 2017
503	I	Landscape Specification	September 2017
Civil Engineering Drawings prepared by Costin Roe Consulting Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Co11492.11-DA10	C	Drawing List & General Notes	07.06.2017
Co11492.11-DA20	C	Erosion & Sediment Control Plan	22.03.2017
Co11492.11-DA25	B	Erosion & Sediment Control Details	01.12.2016
Co11492.11-DA30	H	Bulk Earthworks Cut/Fill Plan	07.06.2017
Co11492.11-DA35	C	Bulk Earthworks Sections Sheet 1	22.03.2017
Co11492.11-DA36	C	Bulk Earthworks Sections Sheet 2	22.03.2017
Co11492.11-DA37	C	Bulk Earthworks Sections Sheet 3	22.03.2017
Co11492.11-DA40	B	Existing Stormwater Catchment Plan	07.06.2017
Co11492.11-DA41	J	Concept Civil Works Plan Sheet 1	07.06.2017
Co11492.11-DA42	I	Concept Civil Works Plan Sheet 2	12.05.2017
Co11492.11-DA43	F	Concept Basin 2 Plan Northern Basin	07.06.2017
Co11492.11-DA44	E	Concept Basin 3 Plan Western Basin	22.03.2017
Co11492.11-DA45	D	Bio-retention/OSD Basin Plan	01.12.2016

Co11492.11-DA46	C	Concept Stormwater Details Sheet 1	01.12.2016
Co11492.11-DA47	C	Stormwater Details Sheet 2	01.12.2016
Co11492.11-DA48	D	Stormwater Drainage Long Sections	22.03.2017
Co11492.11-DA50	C	Access Road Details	01.12.2016
Co11492.11-DA51	C	Access Track & Creek Details	01.12.2016
Co11492.11-DA52	C	Road Alignment Plan & Long Sections	22.03.2017
Co11492.11-DA70	C	Intersection Functional Layout Plan	01.12.2016
Draft Subdivision Plan prepared by Monteath and Powys Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
16/0543	4	Proposed Subdivision of Lots 18, 19, 20, 21 & 22 DP 13961 and Lot 2 DP 121087 Cowpasture Road, Wetherill Park	08.06.2017

- A9. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A10. In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the development.

CONSTRUCTION CERTIFICATE REQUIRED

- A11. Prior to the commencement of any building and/or construction works, the Applicant must obtain a Construction Certificate from the Certifying Authority.

EASEMENTS

- A12. The creation of easements for services, rights of carriageway and restrictions in regards to the user are required under section 88E of the *Conveyancing Act 1919*, including (but not limited to) the following:
- easements for sewer, water supply and drainage over all public services/infrastructure on private property;
 - drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners;
 - maintenance of the subsurface drains is to be included in the section 88E Instrument;
 - restriction as to user and positive covenant relating to the:
 - on-site detention system/s;
 - stormwater pre-treatment system/s; and
 - overland flowpath works;
 - flood control works.

Any section 88E Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

- A13. Prior to the issue of a subdivision certificate, written confirmation must be provided from a Registered Surveyor that easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.

UTILITIES AND SERVICES

- A14. Prior to the construction of any utility works associated with the development, the Applicant shall obtain relevant approvals from service providers.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A15. Prior to the commencement of construction, the Applicant must:

- (a) consult with the relevant owner and/or provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (c) submit a copy of this report to the Secretary and Council.

A9. The Applicant must:

- (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

COMPLIANCE

- A10. The Applicant must ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- A11. The Applicant must be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

WORKS-AS-EXECUTED PLANS

- A12. On completion of works, the Applicant must submit to the Certifying Authority detailed works-as-executed drawings signed by a registered surveyor demonstrating the stormwater drainage, on-site detention, access road, lot filling and finished ground levels have been constructed as approved.

DEVELOPMENT CONTRIBUTIONS

- A13. Prior to the issue of the Subdivision Certificate, the Applicant must pay a Section 94A contribution in accordance with Council's *Indirect (Section 94A) Development Contribution Plan 2011*. The contribution amount payable must be confirmed by Council in writing.

Copies of Council's *Indirect (Section 94A) Development Contribution Plan 2011* may be obtained from Council's offices located at 86 Avoca Road, Wakeley.

SUBDIVISION

- A14. The Applicant must subdivide the site in accordance with the subdivision plan titled *Proposed Subdivision of Lots 18, 19, 20, 21 & 22 DP 13961 and Lot 2 DP 121087 Cowpasture Road, Wetherill Park* prepared by Monteath & Powys Pty Ltd, dated 8 June 2017.

PART B ENVIRONMENTAL PERFORMANCE

TRAFFIC AND ACCESS

- B1. The Applicant must ensure that:
- (a) the development does not result in any vehicles queuing on the public road network;
 - (b) heavy vehicles associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;
 - (c) all vehicles are wholly contained on-site before being required to stop;
 - (d) all vehicles enter and exit the site in a forward direction;
 - (e) all loading and unloading of materials is carried out on-site; and
 - (f) the loading areas and turning areas in the car park are kept clear of any obstacles, including parked vehicles, at all times.

Intersection Works

- B2. The Applicant must enter into a Transport Infrastructure Contribution Deed with RMS for the upgrade works on the roundabout intersection at The Horsley Drive and Cowpasture Road. The Transport Infrastructure Contribution Deed shall be limited to a monetary contribution of \$300,000, being 1% of the anticipated cost of the upgrade works to The Horsley Drive and Cowpasture Road intersection.
- B3. Prior to the release of the Subdivision Certificate, the Applicant must provide written evidence to the satisfaction of the Secretary demonstrating that a Transport Infrastructure Contribution Deed has been entered into with RMS for the payment of the intersection upgrade works.

Roadworks and Access

- B4. Prior to the commencement of construction works, the Applicant must submit a Road Safety Audit prepared by an accredited Road Safety Auditor to the satisfaction of the relevant roads authority to verify that access can be safely provided from the site to Cowpasture Road. The Applicant must provide a summary of any actions taken in response to the Road Safety Audit findings, demonstrating that any identified issues have been satisfactorily resolved, as is practicable.
- B5. Prior to the commencement of construction works, the Applicant must submit design plans prepared by a qualified practicing Civil Engineer to the satisfaction of the relevant roads authority which demonstrate that the proposed access to the development is designed in accordance Council's engineering standards and to accommodate the turning path of the longest vehicle entering and exiting the site, in accordance with *AUSTROADS Design Vehicles and Turning Path Templates*.
- B6. Prior to the commencement of construction works for the access road that connects to the existing public road network, the Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B7. Prior to the commencement of construction works, the Applicant must obtain a Road Occupancy Licence in accordance with the RMS Road Occupancy Manual.

Dedication of Roadway

- B8. Prior to the issue of a Subdivision Certificate, the access road must be dedicated to the relevant roads authority. Prior to any dedication, the Applicant must ensure that the construction of the road has been completed to the satisfaction of the relevant roads authority.

Footpath

- B9. The Applicant must provide, at no cost to Council, footpath paving in accordance with Council's policies along the full length of the proposed access road (southern side only).

SOIL AND WATER

Erosion and Sediment Control

- B10. Prior to the commencement of construction, the Applicant must install and maintain suitable erosion and sediment control measures on-site, particularly where works are adjacent to the Upper Canal, in accordance with the latest version of *Managing Urban Stormwater: Soils and Construction Guideline* and the Erosion and Sediment Control Plan included in the CEMP required by condition C6 below.

Imported Soil

- B11. The Applicant must ensure that any material imported and used as fill on the site:
- (a) is VENM as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or
 - (b) meets the requirements of the EPA's *Excavated Natural Material Order 2014*, under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- B12. The Applicant must:
- (a) keep accurate records of the volume and type of fill to be used; and
 - (b) make these records available to the Secretary upon request.
- B13. Filling operations must be in accordance with the latest version of AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments* and Level 1 Testing must be undertaken in accordance with the latest version of AS 1289 *Method of testing soils for engineering purposes* by a suitably qualified geotechnical engineer.

Pollution of Waters

- B14. The Applicant must comply with section 120 of the POEO Act, which prohibits the pollution of waters.
- B15. Prior to the commencement of works, the Applicant must notify WaterNSW of any works within 20 metres of the western boundary and submit to WaterNSW details of construction works along the boundary of the Upper Canal.
- B16. All site preparation and construction work carried out adjacent to the Upper Canal must not impact on water quality, or damage the Upper Canal. Should any damage occur as a result of the works being carried out for the development, the Applicant must rectify the damage to the satisfaction of WaterNSW and/or compensate WaterNSW for any associated costs.
- B17. No stockpiles are to be located within or close to the Upper Canal.

Stormwater

- B18. The development must not cause an increase in stormwater flows onto the Upper Canal or impede the pre-development levels of stormwater flowing from the Upper Canal onto the site.
- B19. Prior to the commencement of construction works, the Applicant must prepare a Stormwater Management Plan (SMP) to the satisfaction of the Secretary. The SMP must:
- (a) be prepared by a suitably qualified engineer prior to the commencement of the relevant works in consultation with Council;
 - (b) be prepared generally in accordance with the:
 - i. Civil Engineering Report for State Significant Development Application (SSD 7664), rev. D, report no. Co111492.11 prepared by Costin Roe Consulting Pty Ltd dated 16 June 2017;
 - ii. *Water Sensitive Design - Technical Guidelines for Western Sydney* prepared by URS Australia Pty Ltd dated May 2004;
 - iii. Council's engineering design guidelines including Council's *Stormwater Drainage Policy 2002*;
 - iv. Council's *Urban Area On-Site Detention Handbook 1997*;
 - v. Council's *Fairfield Citywide Development Control Plan 2013*;
 - (c) ensure that public safety issues are addressed;
 - (d) incorporate design plans and accompanying design notes;
 - (e) incorporate bio-swales, gross pollutant traps and stormwater pollutant filters; and
 - (f) describe the measures that would be implemented to maintain this infrastructure during the life of the Development including:
 - i. a program for maintenance and monitoring to ensure stormwater quantity and quality is maintained, and detail the procedures to be undertaken if any non-compliance is detected; and
 - ii. all contractor's cleaning reports or certificates that will be provided to Council over the life of the development.
- B20. The Applicant shall carry out the development in accordance with the SMP described in condition B19 of Schedule 3 as approved by the Secretary (and as revised and approved by the Secretary from time to time).

Groundwater Interception and Extraction

- B21. The Applicant must obtain any necessary water related approvals from DPI in the event that groundwater is likely to be intercepted or extracted during construction works.

NOISE

Hours of Work

- B22. The Applicant must comply with the hours detailed in Table 5, unless otherwise agreed in writing by the Secretary.

Table 5: Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday & Public Holiday	Nil

- B23. Works outside of the hours identified in condition B22 may be undertaken in the following circumstances:
- (a) where works are agreed to in writing by the Secretary;
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Road Traffic Noise

- B24. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise.

Noise Management

- B25. All earthworks and construction works must be carried out with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009).
- B26. The Applicant must:
- (a) implement best practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise noise generated by the development;
 - (b) minimise the noise impacts of the development during adverse meteorological conditions; and
 - (c) regularly assess noise emissions and relocate, modify and/or stop works to ensure compliance with the relevant conditions of this consent.

HERITAGE

Unexpected Finds Protocol

- B27. Prior to commencement of construction, the Applicant must prepare an Unexpected Finds Protocol for the development in consultation with the Registered Aboriginal Parties and must implement the Protocol in accordance with its terms.

Discovery of Human Remains or Aboriginal Objects or Places

- B28. If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and OEH, and work must not recommence in the area until authorised by NSW Police and OEH.
- B29. If any Aboriginal object or Aboriginal place is identified on site, or suspected to be on site:
- (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10 m buffer area around the object or place must be cordoned off; and
 - (c) OEH must be contacted immediately.

- B30. Work in the immediate vicinity may only recommence if:
- (a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; or
 - (b) the Aboriginal Cultural Heritage Management Plan is revised to include the object or place and appropriated measures in respect of it, and approved by the Secretary; or
 - (c) the Secretary is satisfied as to the measures to be implemented in respect of the object or place and makes a written direction in that regard.

BIODIVERSITY

- B31. No more than 1.09 hectare (ha) of native vegetation as described in the *Biodiversity Assessment Report, Framework for Biodiversity Assessment* prepared by Ecoplaning Pty Ltd dated 24 November 2016 shall be removed from the site, including 0.76 ha of Cumberland Plain Woodland.
- B32. The Applicant must ensure vegetation to be retained is protected during construction works.
- B33. Prior to the commencement of construction, the Applicant must purchase and retire 39 ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits shall be determined in accordance with the OEH's *Frameworks for Biodiversity Assessment (FBA)* and the *Biobanking Assessment Methodology 2014 (BBAM)*.

Note: If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014.

AIR QUALITY

Dust Minimisation

- B34. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with construction works do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

HAZARDS AND RISK

Bunding

- B35. The Applicant shall store all chemicals, fuels and oils used on site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* (as may be updated or replaced from time to time).

CONTAMINATION AND REMEDIATION

- B36. Prior to the commencement of any construction or remediation works on site, the Applicant must engage a Site Auditor accredited under the EPA *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B37. Prior to the commencement of construction, the Applicant must remediate the areas of environmental concern within the site identified in, and in accordance with the RAP. All remediation works at the site must be carried out by suitably qualified and experienced consultant(s) that have been engaged by the Applicant.
- B38. The Applicant shall ensure that any asbestos encountered during the remediation and construction works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of WorkCover and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2011*;
 - (b) *Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2011 Safe Work Australia*;
 - (c) *Model Code of Practice – How to Safely Remove Asbestos, 2011 Safe Work Australia*; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2005*.

- B39. During the remediation and construction works, the Applicant must ensure that no contaminated groundwater encountered on the site can discharge into waters including the Upper Canal or any other off-site location or waterway that could cause pollution of waters.
- B40. The Applicant must implement the unexpected finds protocol as described in the RAP prepared by Douglas Partners Pty Ltd dated 10 May 2017 for the duration of earthworks and construction.
- B41. Within 30 days of completion of remediation works, notice of the works completed must be given to Council in accordance with clause 17(2) of the *State Environmental Planning Policy No. 55 – Remediation of Land*. Clause 18 of *State Environmental Planning Policy No. 55 – Remediation of Land* details what must be provided in the notice.
- B42. Upon completion of the remediation works, the Applicant must submit to the Secretary and Council, a Site Audit Report and a Site Audit Statement Section A for the relevant part of the site, prepared in accordance with the *NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme*, which demonstrates that the site is suitable for its intended industrial land use.

WASTE

- B43. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off-site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- B44. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B45. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.
- B46. The collection of waste generated during construction of the development shall be undertaken between 7 am to 10 pm Monday to Friday.

VISUAL AMENITY

Landscaping

- B47. The Applicant must maintain the proposed landscaping and vegetation on the site for the life of the development.

TRANSMISSION LINE EASEMENT

- B48. Any construction works located within 15 metres of a transmission tower or in close proximity to Endeavour Energy's electrical network must:
 - (a) be constructed of non-conducting materials;
 - (b) must maintain the integrity of all line structures and stay pole/wires at all times; and
 - (c) comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth.
- B49. Final design drawings must be submitted to Endeavour Energy prior to the commencement of works to confirm no impact on Endeavour Energy's transmission towers.

Access

- B50. The Applicant must ensure that access to the transmission towers, lines and easement is maintained at all times.

Construction

- B51. All works are to be carried out in accordance with the *NSW WorkCover Work near Overhead Powerlines Code of Practice 2006*.

FENCING

Boundary Fencing

- B52. Boundary fencing to the same or better standard as fencing already in place to the north of the site is to be installed along the development site and the Upper Canal.
- B53. Any existing rural fencing must be removed and disposed of at an appropriate waste facility licenced to accept the waste.

Construction Fencing and Signage

- B54. Any hoarding erected during construction works shall comply with the following:
- (a) No third-party advertising is permitted to be displayed on the subject hoarding/fencing;
 - (b) The construction site manager shall be responsible for the removal of graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.
- B55. Prior to the commencement of works, a sign must be erected in a prominent position on-site for the duration of construction works. The sign shall:
- (a) state that unauthorised entry to the work site is prohibited;
 - (b) show the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and
 - (c) show the name, address and a telephone number of the Certifying Authority for the development

PART C ENVIRONMENTAL MANAGEMENT

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- C1. The Applicant must prepare a **Construction Environmental Management Plan (CEMP)** to the satisfaction of the Secretary. The CEMP must:
- (a) be approved by the Secretary prior to the commencement of construction;
 - (b) identify the statutory approvals that apply to the development;
 - (c) be prepared by a suitably qualified and experienced person;
 - (d) outline all environmental management practices and procedures to be followed during earthworks and construction;
 - (e) describe all activities to be undertaken on the site during earthworks and construction, including a clear indication of construction stages;
 - (f) describe the specific measures to be implemented to protect the Upper Canal during earthworks and construction;
 - (g) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (h) describe the roles and responsibilities of all relevant employees involved in earthworks and construction; and
 - (i) include the management plans required under condition C2, Schedule 3 of this consent.
- C2. As part of the CEMP required under condition C1, Schedule 3 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see condition C4, Schedule 3);
 - (b) Construction Noise Management Plan (see condition C5, Schedule 3); and
 - (c) Erosion and Sediment Control Plan (see condition C6, Schedule 3).
- C3. The approved Construction Environmental Management Plan (as revised and approved by the Secretary from time to time) must be implemented by the Applicant for the duration of earthworks and construction.

Environmental Management Plans

- C4. The Applicant must prepare a **Construction Traffic Management Plan** as part of the CEMP for the development. The plan must:
- (a) be prepared in consultation with Council, RMS and the local bus service provider;
 - (b) specify any potential impacts to traffic, pedestrians, cyclists and bus services within the vicinity of the development from construction vehicles;
 - (c) identify potential impacts to pedestrian access or public transportation infrastructure;
 - (d) demonstrate that sufficient parking facilities will be provided on-site, including for heavy vehicles and for site personnel to ensure that construction traffic associated with the development will not park on surrounding roads; and
 - (e) assess the cumulative construction impacts of the adjacent developments.
- C5. The Applicant must prepare a **Construction Noise Management Plan** as part of the CEMP for the development. The plan must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in the EPA's *Interim Construction Noise Guideline 2009*;
 - (c) describe the measures to be implemented to manage high noise generating works such as piling and excavation in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in d) above; and
 - (f) include a complaints management system.
- C6. The Applicant must prepare an **Erosion and Sediment Control Plan** as part of the CEMP for the development. The plan must:
- (a) be prepared by a suitably qualified engineer prior to the commencement of the relevant works in consultation with Council;
 - (b) be prepared generally in accordance with the latest version of *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004);
 - (c) incorporate design plans and accompanying design notes; and

- (d) describe measures that would be implemented to maintain stormwater quantity and quality from the site during construction and detail the procedures to be undertaken if any non-compliance is detected.

Management Plan Requirements

- C7. The Applicant must ensure any environmental management plans/strategies required under this consent are prepared in accordance with any relevant guidelines and include:
- (a) detailed baseline data;
 - (b) a description of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures/criteria;
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (iv) the measures that would be implemented to comply with the relevant statutory requirements, limits or performance measures/criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness or any management measures;
 - (iii) a contingency plan to manage any unpredicted impacts and their consequences
 - (iv) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (d) a protocol for managing and reporting any:
 - (i) incidents;
 - (ii) complaints;
 - (iii) non-compliances with statutory requirements;
 - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
 - (v) a protocol for periodic review of the plan.

Revision of Strategies, Plans and Programs

- C8. Within three months of:
- (a) approval of a modification; or
 - (b) submission of an incident report under condition C9 below;

the Applicant must review, and if necessary, revise the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

REPORTING

Incident Reporting

- C9. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, including the Upper Canal, the Applicant must immediately (or as soon as practical thereafter) notify the Secretary and other relevant agencies of the exceedance/incident. Within seven days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

APPENDIX A DEVELOPMENT LAYOUT PLANS



Figure 1: Indicative Masterplan, Drawing No. WS-HW-MP-005 prepared by Concept Architecture Pty Ltd dated 22 September 2017