

Development consent

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

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

Chris Wilson
Executive Director
Major Projects Assessment
Department of Planning and Infrastructure

Sydney

2012

SCHEDULE 1

Application No.:

SSD-5169

Applicant:

Western Sydney Parklands Trust

Consent Authority:

Minister for Planning and Infrastructure

Land:

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

Lot	DP	Lot	DP
23 (Part)	13961	32	13961
24 (Part)	13961	32A	13961
25	13961	1	1098128
1	1036933	2	1098128
10	879209	3	1098128
28B	13961	4	1098128
30	13961	5	1098128
30A	13961	100	879680
39B	13961	C	103755
22 (Part)	13961		

Development:

Horsley Drive Business Park subdivision and infrastructure works, comprising:

- 12 lot subdivision and access road
- demolition
- remediation
- bulk and detailed earthworks
- estate infrastructure
- estate landscaping

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but does not form a part of this consent
Applicant	Western Sydney Parklands Trust, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition B2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Fairfield City Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EEC	Endangered Ecological Community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement, SSD 5169, The Horsley Drive Business Park, Cnr The Horsley Drive and Cowpasture Road, Wetherill Park</i> , prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd, dated June 2012
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Infrastructure, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct Certification of Crown Building works
RTS	Response to Submissions Report titled <i>Response To Submissions, SSD 5169, The Horsley Drive Business Park, Cnr The Horsley Drive and Cowpasture Road, Wetherill Park</i> prepared by McKenzie Group Consulting Planning (NSW) Pty Ltd, dated October 2012
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Sensitive receiver	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.

Subject Site

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

Lot	DP	Lot	DP
23 (Part)	13961	32	13961
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39B	13961	C	103755
22 (Part)	13961		

SCHEDULE 2

PART A ADMINISTRATIVE AND PERFORMANCE CONDITIONS

Development Description

- A1. Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Condition A2.

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the project generally in accordance with the:
- 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, dated June 2012;
 - 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; and
 - following drawings, except for:
 - any modifications which are 'Exempt' or 'Complying Development';
 - otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Concept Architecture Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
HY-HW-MP-002	A	Concept Local Aerial	23.05.2012
HY-HW-MP-003	A	Concept Regional Aerial	23.05.2012
HY-HW-MP-004	A	Concept Lot Plan	23.05.2012
HY-HW-MP-005	A	Concept Topography Plan	23.05.2012
HY-HW-MP-006	A	Concept Staging Plan	23.05.2012
Landscape Drawings prepared by Habitation Landscape Architecture + Urban Design			
Drawing No.	Revision	Name of Plan	Date
L00	E	Title Page	26.09.2012
L01	E	Landscape Concept Masterplan and Precinct Imagery	26.09.2012
L02	E	Landscape Sections	26.09.2012
L03	E	Planting Schedule	26.09.2012
Civil Engineering Drawings prepared by Costin Roe Consulting Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Co11492.00-DA10	B	Drawing List & General Notes	08.06.2012
Co11492.00-DA20	A	Erosion & Sediment Control Plan	08.06.2012
Co11492.00-DA25	A	Erosion & Sediment Control Details – Sheet 1	08.06.2012
Co11492.00-DA26	A	Erosion & Sediment Control Details – Sheet 2	08.06.2012
Co11492.00-DA31	B	Bulk Earthworks Plan – Sheet 1	08.06.2012
Co11492.00-DA32	B	Bulk Earthworks Plan - Sheet 2	08.06.2012
Co11492.00-DA33	B	Bulk Earthworks Sections – Sheet 1	08.06.2012
Co11492.00-DA34	B	Bulk Earthworks Sections – Sheet 2	08.06.2012
Co11492.00-DA35	B	Bulk Earthworks Sections – Sheet 3	08.06.2012

Co11492.00-DA36	B	Bulk Earthworks Sections – Sheet 4	08.06.2012
Co11492.00-DA37	B	Bulk Earthworks Sections – Sheet 5	08.06.2012
Co11492.00-DA38	B	Bulk Earthworks Sections – Sheet 6	08.06.2012
Co11492.00-DA40	C	Concept Civil Masterplan	08.06.2012
Co11492.00-DA41-1	E	Concept Stormwater & Finished Levels Plan – Sheet 1	18.10.2012
Co11492.00-DA41-2	C	Concept Stormwater & Finished Levels Plan – Sheet 2	08.06.2012
Co11492.00-DA41-3	C	Concept Stormwater & Finished Levels Plan – Sheet 3	08.06.2012
Co11492.00-DA41-4	C	Concept Stormwater & Finished Levels Plan – Sheet 4	08.06.2012
Co11492.00-DA41-5	C	Concept Stormwater & Finished Levels Plan – Sheet 5	08.06.2012
Co11492.00-DA41-6	C	Concept Stormwater & Finished Levels Plan – Sheet 6	08.06.2012
Co11492.00-DA41-7	C	Concept Stormwater & Finished Level Plan – Sheet 7	08.06.2012
Co11492.00-DA41-8	E	Concept Stormwater & Finished Levels Plan – Sheet 8	18.10.2012
Co11492.00-DA41-9	E	Concept Stormwater & Finished Levels Plan – Sheet 9	26.09.2012
Co11492.00-DA41-10	B	Concept Stormwater & Finished Levels Plan – Sheet 10	08.06.2012
Co11492.00-DA41-11	A	Concept Stormwater & Finished Levels Plan – Sheet 11	29.06.2012
Co11492.00-DA45	B	Concept Stormwater Details – Sheet 1	08.06.2012
Co11492.00-DA46	C	Concept Stormwater Details – Sheet 2	26.09.2012
Co11492.00-DA47	A	Concept Stormwater Details – Sheet 3	26.09.2012
Co11492.00-DA50	B	Access Road Sections and Details	08.06.2012
Co11492.00-DA60	A	Retaining Wall Layout Plan – Sheet 1	08.06.2012
Co11492.00-DA61	A	Retaining Wall Layout Plan – Sheet 2	08.06.2012
Co11492.00-DA65	B	Retaining Wall Details	08.06.2012
Co11492.00-DA70	D	Stormwater Catchment Plan	10.09.2012
Draft Subdivision Plan prepared by Landpartners Built Environment Consultants			
Drawing No.	Revision	Name of Plan	Date
SY073101.000	E	Draft Plan of Subdivision	03.09.2012

Inconsistency between documents

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

Lapsing of Approval

- A4. This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Limits of Approval

- A5. This consent does not approve any building works. Separate approval for development/use of the individual lots created as part of the development must be obtained, if required by the EP&A Act.

Prescribed Conditions

- A6. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Director General as Moderator

- A7. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

Long Service Levy

- A8. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Legal Notices

- A9. Any advice or notice to the consent authority shall be served on the Director-General.

Remediation

- A10. Remediation approved as part of this development consent shall be carried out in accordance with the WSP Environment & Energy Remedial Action Plan, Corner of Horsley Drive and Cowpasture Road, Wetherill Park dated 6/06/2012. A site audit must be carried out by a site auditor prior to the commencement of remediation works.
- A11. As part of the remediation strategy, the backfilled dam located in the north-western portion of the site, as detailed in Appendix A of the WSP Environment & Energy Phase 2 Environmental Site and Geotechnical Investigation, Corner of Horsley Drive and Cowpasture Road, Wetherill Park dated 7/06/2012, shall be subject to sampling and characterisation of fill contained therein prior to any work in this area. Should any contaminants of concern be detected, an addendum to the WSP Environment & Energy Remedial Action Plan, Corner of Horsley Drive and Cowpasture Road, Wetherill Park dated 6/06/2012 is to be prepared detailing any required remediation measures.
- A12. Upon completion of the remediation works on the Subject Site, the Applicant shall submit to the certifying authority and Council a validation report, notice of completion and site audit statement prepared by a site auditor. The validation report and site audit statement must verify that the land is suitable for the proposed future uses.

Note: The Applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55—Remediation of Land*.

Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

Hazardous Material

- A13. Prior to demolition of any existing buildings or structures on the Subject Site, an assessment will be undertaken to investigate the existence of any asbestos and other hazardous materials which may have been used as building materials. In the event that such materials are identified, the applicant must dispose of the material in accordance with the guidelines for asbestos work published by WorkCover NSW at a licensed waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Landscape

- A14. The landscape plans prepared by Habitation Landscape Architecture + Urban Design and identified in condition A2 are to be amended as follows:

- a) Provide a minimum 10 m landscaped setback plus 10 m building setback (which may be used for car parking purposes) to The Horsley Drive
- b) Provide a minimum 10 m landscaped setback to Cowpasture Road
- c) Provide a minimum 7.5 m landscaped setback to the verges of the internal central estate access road
- d) Provide a minimum 4 m landscaped setback along the western boundary of the site.

Intersection Works

A15. This approval does not approve the signalisation of the intersection of Cowpasture Road, Newton Road / Access to the central estate access road. Access to the central estate access road is to be via a fourth leg to the existing roundabout at the intersection of Cowpasture Road, Newton Road. Exit from the site from the central estate access road is to be via a left turn only provided through a slip lane to the north of the existing roundabout. Prior to the commencement of works, an application for a Road Act approval shall be submitted to Council for the above access and egress arrangements for the central estate access road.

Flood Risk Management

A16. The Applicant is to undertake further flood risk management investigations to address the following:

- a) Rare floods between 1 in 100 year event to the probable maximum flood event
- b) Impact of development on flood behaviour, levels, velocities, duration on adjacent downstream and upstream areas
- c) Impact of rare flooding up to the probable maximum flood event on the proposed development
- d) Sensitivity analysis to determine the impact from climate change possibility and merits of flood free access / emergency response plan.

A17. Findings and recommendations from the above investigations should be incorporated in the final stormwater and drainage works design, as relevant.

PART B PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority prior to commencement of each stage of the works and shall include details required by any of the following conditions.

Protection of Bunya Pine

B2. The Bunya Pine located at the corner of Cowpasture Road and The Horsley Drive is to be protected and retained as part of the development. The following works shall be undertaken prior to commencement of works and during the works, as relevant.

- a) A tree protect zone is to be established at a setback of 11.8 metres within the site boundaries from the trunk centre of the Bunya Pine in accordance with Appendix E of the Tree and Landscape Consultants Arboricultural Assessment Report dated 14 September 2012.
- b) All excavation at the closes edge of stormwater basin no. 1, being 3.6 metres from the trunk centre of the Bunya Pine within the prescribed tree protection zone, is to be undertaken using hand tools and light machinery under supervision, and any roots encountered are to be clean cut with final cuts to undamaged woody tissue. This will prevent tearing damage to roots from excavation equipment which can extend beyond the point of excavation back towards the tree.

- c) Crown clearing is to be undertaken on the Bunya Pine prior to commencement of works to remove any dead or diseased wood to create a safe working environment. All pruning works are to be undertaken in accordance with AS 4373 – 2007 – Pruning of Amenity Trees.

Stormwater and Drainage Works Design

- B3. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council, shall be submitted to the Certifying Authority prior to commencement of works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff and Fairfield City Councils Stormwater Drainage Policy and On Site Detention Handbook. The final design plans are to demonstrate that:
- a) The drainage system has been designed in accordance with the minor/major design concept. The piped system is designed for ARI events complying with Council's stormwater drainage policy, with a combined overland flow system up to the 100 year ARI storm.
 - b) The rock aprons proposed at the stormwater outlet points are sized and designed to ensure adequate dispersion of the design flow to achieve the required reduction in velocity in accordance with the publication 'Rock Sizing for Multi-Pipe & Culvert Outlets' by Catchments and Creeks or similar. The design flow must be calculated for the design ARI based on the time of concentration for the catchment draining to the outlet, not for the entire Wetherill park catchment.
 - c) A formalised flowpath designed to contain the design flow and reduce velocity and scour in accordance with the above publication, is provided between the outlet of the 750 mm diameter pipe and basin 2.

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 in the document 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, dimensions of outflow structure and basin outflows. Further clarification and advice to Council on these calculations is required to ensure there are no adverse flooding impacts from the proposal on properties downstream of the site.

On-site Detention Design Certificate

- B5. The Applicant shall obtain a certificate from a qualified practicing professional that the drainage system has been designed to comply with the following:
- a) Council's Urban Area On-site Detention Handbook – February 1997:
 - i. restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;
 - ii. restrict the peak discharge from the site for 100 year 9-hour storm event to 140/1/s/ha.

The certificate shall be submitted to the Certifying Authority prior to the commencement of works.

Note: If Council is requested to issue the Engineering Construction Certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of

ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Road Design – Central Estate Access Road

- B6. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RMS (if applicable). Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the commencement of works.

Maintenance Bond – Central Estate Access Road

B7.

- a) 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 a bank guarantee. The value of the maintenance 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 generally be held by Council for a period of twelve (12) months from the date of the dedication of the access road. The maintenance bond will be released at the end of the maintenance period, being twelve months from the date of dedication, subject to satisfactory performance of the works. Council may use the maintenance bond to carry out any 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.

Pre-Construction Dilapidation Reports

- B8. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works. A copy of the report is to be forwarded to Council.

Sydney Water Notice of Requirements

B9.

- a) An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the commencement of works.
- b) The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- c) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Demolition

- B10. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

Erosion and Sedimentation Control

- B11. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

Notice of Commencement of Works

- B12. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of works on the Subject Site.

Construction Environmental Management Plan

B13.

- a) Prior to the commencement of any works on the Subject Site, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
 - i. hours of work,
 - ii. 24 hour contact details of site manager,
 - iii. traffic management, in consultation with the Council,
 - iv. construction noise and vibration management plan, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009),
 - v. management of dust to protect the amenity of the neighbourhood,
 - vi. erosion and sediment control,
 - vii. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
 - viii. external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
 - ix. flora and fauna management
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the CEMP to the Department and to the Council, prior to commencement of work.

Waste Management Plan during construction

B14.

- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan shall be prepared by a suitably qualified person in consultation with the Council, and shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i. Recycling of demolition materials including concrete;
 - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any works

- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall submit a copy of the Plan to the Council prior to commencement of works.
- d) The Applicant must notify the RMS Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

Traffic and Pedestrian Management Plan

B15.

- a) Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian Management Plan for the construction period prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan must be prepared in consultation with the Council, and where required, the approval of the council's traffic committee obtained.
- b) The Plan shall address, but not be limited to, the following matters:
 - i. ingress and egress of vehicles to the Subject Site,
 - ii. loading and unloading, including construction zones,
 - iii. predicted traffic volumes, types and routes,
 - iv. pedestrian and traffic management methods,
- c) The Applicant shall submit a copy of the final Plan to the Council, prior to the commencement of work.

Air Quality Management Plan

B16. Prior to the commencement of any works on the Subject Site, an Air Quality Management Plan is to be prepared by a suitably qualified person and shall be submitted to the Certifying Authority.

Utility Services

- B17. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the works.
- B18. Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Wheel Wash Facility

B19. All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart the site via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council or RMS roads. The wheel wash facility shall be constructed prior to any truck movements occurring. Any direction of Council with regard to cleaning trucks or the cleanup of road pavements adjoining the site shall be complied with immediately.

Electrical Easement

B20. Prior to the commencement of works, the applicant is required to consult with Endeavour Energy regarding any requirements in relation to the electrical easement in the north of the site, and activities associated with the application which are within the easement. As part of the consultation process, the applicant shall provide Endeavour Energy a centerline profile survey to assess statutory clearances between the conductors and roads and other infrastructure

associated with the application. Endeavour Energy require a minimum of 7.3 m clearance at the maximum operating temperature to be available across the final level of the easement.

Note: Further information may be required or tests required as part of the consultation with Endeavour Energy, at the applicant's cost.

PART C DURING CONSTRUCTION

Hours of Work

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 1:00 pm, Saturdays;
 - c) no work on Sundays and public holidays.
 - d) works may be undertaken outside these hours where:
 - i. the delivery of materials is required outside these hours by the Police or other authorities;
 - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii. Variation is approved in advance in writing by the Director General or his nominee.

Erosion and Sediment Control

- C2. All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The erosion and sediment control measures shall be implemented prior to commencement of any works, including stripping or clearing, on site.

Disposal of Seepage and Stormwater

- C3. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Dust Management

- C4. All air quality management measures detailed in the Air Quality Management Plan are to be effectively implemented and maintained for the duration of the construction works. The applicant shall implement all reasonable and feasible measures to minimise dust generate by the project.

Approved Plans to be on-site

- C5. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

Site Notice

- C6.
- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.

- b) The notice(s) is to satisfy all but not be limited to, the following requirements:
 - i. Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - ii. The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - iii. The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - iv. The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

Protection of Trees

C7.

- a) No street trees are to be trimmed or removed unless it forms a part of this development consent or prior written approval from council is obtained or is required in an emergency to avoid loss of life or damage to property
- b) All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

Construction Noise Management

- C8. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the CEMP.
- C9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C10. The Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan.
 - a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday
- C11. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan.
- C12. Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.

Vibration Criteria

- C13. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP..

Work Cover Requirements

C14. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding/Fencing Requirements

C15. The following hoarding requirements shall be complied with:

- 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 all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

C16. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

C17. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

PART D PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Subdivision and Infrastructure Works – Works-As-Executed

D1. Prior to the issue of a subdivision certificate, detailed "work as executed" drawings 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.

Note: Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

On Site Detention – Works-As-Executed

- D2. On completion of the drainage works and prior to the issue of the Engineering Compliance Certificate, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.
- a) Sufficient levels and dimensions to verify the On-Site Detention storage volumes
 - b) Location and surface levels of all drainage pits, weir levels and dimensions
 - c) Invert levels of - the internal drainage lines
 - i. - orifice plates
 - ii. - outlet control pit
 - d) Finished floor levels of structures such as units and garages
 - e) Verification that the orifice plates have been fitted and the diameter of the fitted plates
 - f) Verification that a trash screen is installed
 - g) Location and levels of any overland flow paths through the site
 - h) Details of any variations made from approved plans.

On Site Detention – Registration of Restriction and Covenant

- D3. Prior to the issue of the Engineering Compliance Certificate, proof of the creation of a 'restriction on use of land' and 'positive covenant' over the on-site detention system in accordance with Council's On-Site Detention Handbook (February 1997) shall be submitted to the Principal Certifying Authority.

On Site Detention – Certification of Works

- D4. A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Engineering Compliance Certificate, certifying the following:
- a) That the On-Site Detention system will function in accordance with the approved drainage design.
 - b) Any variations from the approved drainage design.
 - c) That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

On Site Detention – Marker Plate

- D5. Each On-Site Detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:
- a) Minimum size: 150mm x 100mm
 - b) Material: Non Corrosive metal or 4mm thick laminated plastic

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. At the time of issuing this 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.

No Vehicular Access – Registration of Restrictive and Covenant

- D8. Prior to the issue of a subdivision certificate, a restrictive covenant shall be registered over lots adjacent to The Horsley Drive identifying that there shall be no vehicular access to or from The Horsley Drive.

Sydney Water Compliance

- D9. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the PCA prior to release of the linen plan.

Section 94A Development Contributions

- D10. In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following section 94A monetary 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 Council. For accounting purposes, the contribution may require separate 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 a subdivision certificate.

c) Indexing

- i) The contributions will be adjusted at the time of payment (if required) in accordance with the requirements of the EP&A Regulation and Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011.

Registration of Easements

- D11. Prior to the issue of a subdivision certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Sydney Water Compliance

- D12. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

Post-construction Dilapidation Report

D13. Prior to the issue of a subdivision certificate:

- a) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report 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 the pre-construction dilapidation report required by these conditions, and
 - 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 the Council.

Road Damage

D14. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development, is to be met in full by the Applicant.

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 to the satisfaction of Council. Despite any formal dedication, the applicant shall remain responsible for the maintenance of the road for the duration of the maintenance period, being 12 month from the date of dedication of the road to council.

ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Other Approvals and Permits

AN2. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Responsibility for other consents / agreements

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN4.

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN7. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site contamination issues during construction

AN8. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Work adjoining the Sydney Catchment Authority's Upper Canal

AN9. Prior written approval shall be obtained from the Sydney Catchment Authority (SCA) for any access that may be required to the Upper Canal corridor during investigation and construction of the development.

- AN10. Access points to the Upper Canal for SCA staff and contractors to carry out inspections and maintenance shall be retained or provided where necessary.
- AN11. The SCA shall be provided with details of proposed earthworks, retaining walls or other construction along the SCA boundary before such works commence and be advised in advance of any proposed construction activities close to the boundary of SCA lands.
- AN12. All site preparation and construction work carried out adjacent to the Upper Canal corridor shall not impact on water quality or damage the canal infrastructure. Should any damage occur to the water supply infrastructure or land in the corridor or impact on water quality as a result of works being carried out on the subject site, it will be the responsibility of the developer to rectify that damage to the satisfaction of the SCA and compensate the SCA for any associated costs.
- AN13. Stormwater systems shall be designed to accommodate and not impede upstream flows from any systems that convey stormwater across, along or under the Upper Canal. The stormwater management system should ensure that it makes allowance for all flow emanating from land to the west of the Upper Canal and from the corridor itself. The SCA shall be provided with details of these stormwater systems located along the SCA boundary before such works commence.
- AN14. Appropriate security fencing shall be provided along the length of the development boundary with the Upper Canal corridor. As a minimum the fence should be a 1.8 metre chain wire fence topped with three barbed wire strands.
- AN15. The State Heritage status of the Upper Canal shall be taken into account when designing development adjacent to the Upper Canal corridor.