

Concept Plan Approval

Section 75O and 75P of the *Environmental Planning and Assessment Act 1979*

Under the Minister for Planning and Infrastructure's delegation of 14 September 2011, the Planning Assessment Commission of New South Wales approves the Concept Plan referred to in Schedule 1, subject to the modifications in Schedule 2, and the future environmental assessment requirements for subsequent development applications for components of the Concept Plan, in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2013

SCHEDULE 1

Concept Plan No:

10_0129

Proponent:

Jacfin Pty Ltd

Approval Authority:

Minister for Planning and Infrastructure

Land:

Lot A DP 392643

Project:

Jacfin Horsley Park Project, a distribution park of warehouses, distribution centres, light industries and associated infrastructure

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DEFINITIONS

BCA	Building Code of Australia
Concept Plan	The Concept Plan described in the EA
Council	Penrith City Council and Fairfield City Council
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or nominee)
EA	Environmental Assessment titled <i>Lot A Burley Road, Horsley Park Industrial Estate Concept Plan & Concurrent Project Application for Employment Lands and Stage 1 Industrial Development</i> dated March 2012, prepared by JBA Urban Planning Consultants Pty Ltd, as modified by the PPR
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Minister	Minister for Planning and Infrastructure
OHD Report	<i>Visual Considerations Report for Proposed Development at Lot A Burley Road Horsley Park</i> prepared by O'Hanlon Design Pty Ltd on behalf of the NSW Department of Planning and Infrastructure dated February 2013
PPR	Preferred Project Report titled <i>Lot A Burley Road, Horsley Park Concept Plan & Concurrent Project Application for Employment Lands and Stage 1 Industrial Development</i> dated August 2012, prepared by JBA Urban Planning Consultants Pty Ltd
Project	The project described in the EA
Proponent	Jacfin Pty Ltd, or its successor
Site	The land listed in Schedule 1
Site Development Guidelines	Site Development Guidelines titled <i>Site Development Guidelines Lot A DP 392643, Burley Road, Horsley Park Concept and Concurrent Project Application for Employment Lands and Stage 1 Industrial Development</i> dated August 2012, prepared by JBA Urban Planning Consultants Pty Ltd
Stage 1 Project Application	Project Application 10_0130 for the Jacfin Horsley Park Project (Stage 1)
Statement of Commitments	The Proponent's Statement of Commitments in Appendix 1
WSEA	Western Sydney Employment Area

SCHEDULE 2 CONCEPT PLAN MODIFICATIONS

GENERAL TERMS OF APPROVAL

1. Subject to the modifications to the Concept Plan in Modifications 4 to 7, Concept plan approval is granted for a distribution park of warehouses, distribution centres, light industries and associated infrastructure, comprising:
 - (a) Stage 1;
 - (b) Stage 2;
 - (c) Stage 3;
 - (d) Stage 4; and
 - (e) Stage 5.

Note: The general stages of this approval are shown on the plan in Appendix 1.

CONSISTENCY OF FUTURE DEVELOPMENT

2. The Proponent shall ensure that all future development on the site is carried out generally in accordance with the:
 - (a) EA;
 - (b) PPR;
 - (c) statement of commitments (see Appendix 2);
 - (d) the recommendations of the OHD Report and the Plan in Appendix 3;
 - (e) the modified Site Development Guidelines for Stages 3B to 5 (Modification 5 of this schedule); and
 - (f) the Staging Plan (Modification 6 of this schedule); and
 - (g) modifications of this approval.
3. If there is any inconsistency between the above, then the most recent document shall prevail to the extent of any inconsistency. However, the modifications of this approval shall prevail to the extent of any inconsistency.

MODIFICATIONS TO THE CONCEPT PLAN

Service Centre

4. The Service Centre identified in the Concept Plan is not approved.

Site Development Guidelines

5. The Site Development Guidelines are approved for use in relation to the development in the area of the site shown as Stages 1 and 2 of the Plan in Appendix 1.

Unless otherwise agreed to in writing by the Director-General, prior to the lodgement of any development applications in the area of the site shown as Stages 3A to 5 on the plan in Appendix 1, the Proponent shall prepare modified Site Development Guidelines to apply to Stages 3A to 5 having regard to the recommendations of the OHD Report and the Plan in Appendix 3.

The modified Site Development Guidelines must be developed in consultation with Council and submitted to and approved by the Director-General, prior to the lodgement of any development applications in the area of the site shown as Stages 3A to 5 on the Plan in Appendix 1.

Development Staging

6. The Proponent shall prepare a detailed Staging Plan in consultation with Council and relevant utility and service providers. The Plan must show the likely sequence of development applications that will be lodged to develop this area of the site and how this development will be staged over the life of the Concept Plan taking into account the modifications of this approval. The Staging Plan must be submitted to and approved by the Director-General prior to the lodgement of any development applications in the area of the site shown as Stages 2 to 5 on the plan in Appendix 1.

Site Establishment

7. The Proponent is required to obtain development consent to carry out bulk earthworks and establish the landscape bund in the area of the site shown on the plan in Appendix 1. These works must be substantially completed to the satisfaction of the Director-General before any development applications to subdivide or erect buildings on the area of the site shown as Stages 3B to 5 on the plan in Appendix 1 are permitted to be lodged.

Prior to lodging development applications to subdivide or erect buildings on the area of the site shown as Stages 3B to 5 on the plan in Appendix 1, the Proponent must obtain written approval to do so from the Director-General.

In seeking the Director-General's written approval, the Proponent must:

- (a) ensure that the relevant requirements of any approvals or consents on the site have been met;
- (b) demonstrate general consistency with the:
 - recommendations of the OHD Report and the Plan in Appendix 3;
 - modified Site Development Guidelines (Modification 5 of this schedule); and
 - Staging Plan (Modification 6 of this schedule).
- (c) include a report prepared by a suitably qualified and suitably experienced expert which shows that the bund and drainage channels have been constructed generally in accordance with the recommendations of the OHD Report and that the bund and drainage channels are functioning effectively;
- (d) show that legally binding arrangements have been established to provide for the ongoing maintenance and management of the landscape bund. Those arrangements need to be developed in consultation with Council and local residents; and
- (e) include a Landscape Management Plan for the landscape bund which addresses the recommendations of the OHD Report.

Stormwater

- 8. The Proponent shall prepare and implement a revised Stormwater Management Strategy for the site. The Strategy must be submitted to and approved by the Director-General prior to the lodgement of any development applications in the area of the site shown as Stages 3A to 5 on the plan in Appendix 1. The Strategy must:
 - (a) be developed in consultation with Council and SCA;
 - (b) incorporate the revised site layout based on the modifications in this schedule; and
 - (c) include a Flood Management Plan.

LIABILITY TO LAPSE

- 9. This approval shall lapse on 1 October 2016 unless any part of the Project is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with any approval or development consent, on the Land to which the approval or consent relates.

LIMITS ON APPROVAL

- 10. This approval does not allow any components of the project to be carried out without further development consent being obtained.
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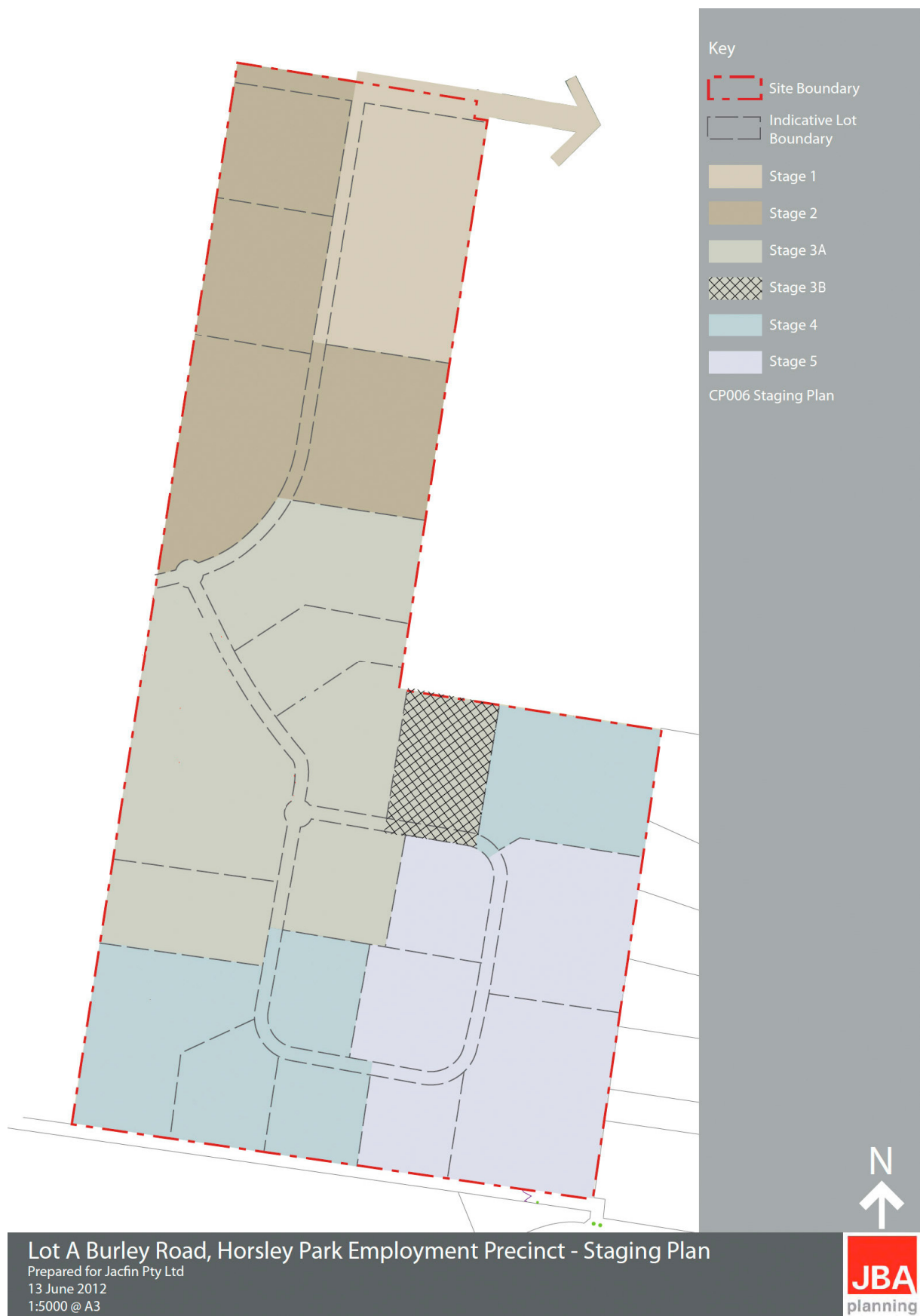
SCHEDULE 3 DEVELOPMENT APPLICATION REQUIREMENTS

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. The environmental assessment requirements in this schedule apply to all future development applications under Part 4 of the EP&A Act.
2. Each future development application on the site must be prepared in consultation with relevant State Government agencies and Council in accordance with relevant policies and guidelines and shall include (but not be limited to):
 - (a) a detailed description of the layout and detailed design of the development include construction, operation and staging, and required infrastructure to enable the construction and operation of the development and interaction with existing and proposed utilities infrastructure for the site and other sites in the area;
 - (b) demonstration that the layout and design of the proposed development is generally consistent with the modified Jacfin Concept Plan Controls set out in Modifications 2 to 8 in schedule 2;
 - (c) satisfactory arrangements for local and regional infrastructure provision;
 - (d) building design including:
 - consideration of the height, bulk and scale of the proposed buildings;
 - an assessment of compliance with the Building Code of Australia;
 - water and energy requirements and opportunities for incorporating efficiency measures;
 - (e) a detailed infrastructure plan for the provision of the following:
 - water supply, sewer, gas, electricity, telecommunications services;
 - fire-fighting services, including the location and design of fire access roads;
 - external lighting;
 - stormwater management, including the provision of any regional rainwater harvesting infrastructure;
 - parking and access, including bicycle facilities;
 - (f) details of a program to monitor stormwater controls and stormwater quantity and quality, including flows and amounts of pollutants discharging to local waters;
 - (g) a detailed landscape plan using predominantly endemic species and details of the areas to be landscaped, including the location and species for all plantings, and incorporating any relevant components of the landscape management plan required by Modification 7 in schedule 2;
 - (h) a description of the measures that would be implemented to:
 - monitor and maintain the infrastructure and landscaping on site over time;
 - minimise energy and water use on site;
 - avoid, minimise, reuse and recycle waste;
 - (i) a visual impact assessment of the proposed development which:
 - outlines the methodology used to define the visual catchment;
 - describes the character of the existing visual environment surrounding the site;
 - provides an overview of the visual objectives of the current planning controls;
 - identifies the key vantage points on a location plan including residential properties;
 - identifies the impact of the proposed development on the visual catchment and key vantage points using the principles established by the NSW Land and Environment Court in *Tenacity Consulting v Warringah [2004] NSW LEC 140*; and
 - identifies (if necessary) any further design solutions that may be used to ameliorate or reduce the visual impacts of the proposed development.
 - (j) a noise assessment of the proposed development in accordance with the *Interim Construction Noise Guideline* and the *NSW Industrial Noise Policy*;
 - (k) a geotechnical assessment of the proposed development including a Phase 2 contamination investigation and an assessment of soil and groundwater salinity;
 - (l) a flooding and stormwater assessment of the proposed development;
 - (m) a greenhouse gas assessment of the proposed development;
 - (n) a biodiversity assessment of the proposed development;
 - (o) a bushfire risk assessment of the proposed development which considers the recommendations of the Bushfire Protection Assessment in Appendix G of the EA;
 - (p) a heritage assessment of the proposed development;
 - (q) a traffic and transport assessment of the proposed development prepared in accordance with the RTA's *Guide to Traffic Generating Developments* including:
 - an assessment of the number and type of vehicles to be generated by the proposed development;
 - identification of transport routes to be utilised by traffic generated by the proposed development;
 - demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network;
 - details of any necessary road and infrastructure upgrades and interim access arrangements until the regional road network in the WSEA has been completed;

- details of parking provision;
 - demonstration that all road infrastructure works associated with the development are undertaken at no cost to RMS, the Department, Council or any other landowner; and
 - a sustainable travel plan including measures to increase non car travel, such as cycling and public transport;
- (r) an air quality assessment of the proposed development;
- (s) a hazard assessment in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) and *Applying SEPP 33* (DUAP, 1994); and
- (t) a construction management plan, containing a:
- noise and dust management plan;
 - soil and water management plan;
 - traffic management plan;
 - heritage management plan that has been prepared in consultation with the OEH, the NSW Heritage Council and relevant Aboriginal groups; and
 - waste management plan.
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APPENDIX 1 STAGING PLAN



APPENDIX 2 STATEMENT OF COMMITMENTS

Subject	No.	Commitments	Timing
Construction Management	1.	A Construction and Environmental Management Plan will be prepared for each development by the appointed building contractor and will be submitted to the Principal Certifying Authority for sign off. The CEMP will address the following issues: - Site Management; - Air Quality; - Noise and Vibration Management; - Soil and Water Management; - Construction Traffic Management; - Waste and Hazardous Materials Management; and - Protection of E2 zoned land	Prior to works commencing. Copies of the CEMPs are to be provided to Penrith and Fairfield Councils.
	2.	The construction noise mitigation measures recommended by the Acoustic Consultant will be incorporated into the Construction and Environmental Management Plans for each project as relevant.	Prior to works commencing.
Geotech	3.	Future Development Applications within the Precinct will demonstrate compliance with the recommendations of the Geotechnical Assessment in relation to: ▪ Bulk Earthworks; ▪ Structural Design; ▪ Ground Water Management; ▪ Acid Sulphate Soils; and ▪ Soil Salinity.	Details to be provided with the relevant Development Application(s).
Stormwater Management	4.	Future Development Applications will demonstrate compliance with the targets in the Stormwater Masterplan and Trunk Drainage Strategy prepared by Brown Consulting Engineers.	Details to be provided with the relevant Development Application(s).
	5.	Future Development Applications will demonstrate that: ▪ the project water quality targets will be met; ▪ stormwater flow rates will be equal to less than the current existing flow rates; and ▪ stormwater works will be consistent with the requirements of the NSW Office of Water.	Details to be provided with the relevant Development Application(s).
Waste Management	6.	An Operational Waste Management Plan will be prepared for each of the warehouse buildings on the site.	Prior to the occupation of each warehouse.
Hazardous Materials	7.	Should storage of hazardous materials be required by the occupants of a warehouse building, a hazardous materials assessment will be prepared.	Prior to the occupation of the relevant warehouse, if applicable
Bushfire Protection	8.	Future Development Applications within the Precinct will demonstrate compliance with the recommendations of the Bushfire Consultant, in relation to: ▪ Access to the bushfire prone vegetation in the E2 Environmental Conservation corridor; ▪ Building setbacks;	Details to be provided with the relevant Development Application(s).

		<ul style="list-style-type: none"> ▪ Building construction requirements; ▪ Landscape Maintenance; and ▪ Emergency Planning. 	
Signage and Lighting	9.	Future applications will provide detail on signage and lighting.	Details to be provided with the relevant Development Application(s).
	10.	Lighting will be designed to comply with Australia Standard AS4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting. Specialist consultant reports confirming compliance will be submitted with each development application.	Details to be provided with the relevant Development Application(s).
Noise	11.	<p>Acoustic Assessments will be submitted with future development applications for each warehouse building detailing acoustic mitigation measures where required.</p> <p>For buildings on lots with boundary to the Greenway Place properties:</p> <ul style="list-style-type: none"> ▪ Loading docks are to be located on the western side of the buildings; and ▪ Barriers in the order of 5 metres in height are to be constructed in the gaps between the buildings. <p>For buildings on lots with boundary to the Capitol Hill Drive properties:</p> <ul style="list-style-type: none"> ▪ Buildings are to be orientated in an eastwest direction to form a barrier to Capitol Hill Drive and; ▪ Loading docks are to be located on the northern side of the buildings. 	Details to be provided with the relevant Development Application(s).
Waste Management	12.	An Operational Waste Management Plan will be prepared for each of the warehouse buildings on the site.	Prior to the occupation of each warehouse.
Biodiversity	13.	A Hollow-bearing Tree Protocol will be prepared by a suitably qualified ecologist and implemented.	Prior to the removal of any trees within the Employment Precinct
Heritage	14.	A test excavation program will be undertaken in 4 PADs identified by GML. An Archaeological Research Design (ARD) will be developed prior to the test excavation program and presented to the relevant Aboriginal stakeholders for review and comment.	Prior to issue of a Construction Certificate for any parts of the site which include a PAD.
	15.	An Aboriginal Heritage Management Plan will be prepared for the precinct or Aboriginal Heritage Impact Assessments will be submitted with future Development Applications.	Prior to the lodgement of any Development Application beyond Stage 1.
Visual Impact Assessment	16.	Future project applications for developments with a boundary to adjoining residential areas will detail mitigation measures to be implemented to minimise any visual impacts.	Details to be provided with the relevant Development Application(s).
Contamination	17.	That a phase 2 assessment be undertaken for future developments located along the north-eastern boundary.	Details to be provided with the relevant Development Application(s).
NSW Office of Water	18.	Flood mitigation and stormwater basins should be located outside of the riparian area; and	Details to be provided with the relevant Development Application(s).
	19.	The basins are to be planted to complement the native plant communities of the riparian corridor.	Details to be provided with the relevant Development Application(s).
Landscaping	20.	Detailed landscape plans will be prepared for each future development application which will demonstrate compliance with the landscape principles established in this PPR.	Details to be provided with the relevant Development Application(s).
Driver Code of Conduct	21.	A driver code of conduct will be prepared for the site which will detail operational traffic management measures.	To be implemented prior to the issue of the first occupation certificate.

APPENDIX 3 OHD MAPPED RECOMMENDATIONS

KEY

RECOMMENDATIONS IN THE INTERFACE DEVELOPMENT ZONE

COMPATIBLE DEVELOPMENT ZONE:

- HEIGHT (8.5 METRE MAXIMUM)
- SCALE (FLOOR PLATES NOT EXCEEDING 500m²)
- SITING (ADJUSTED TO SUIT TOPOGRAPHY: MINIMISE CUT AND FILL MAXIMUM 1 METRE)
- CHARACTER (DETAILED FACADES AND MODULATED ROOF FORMS)

INTERFACE DEVELOPMENT ZONE:

1. NON-COMPATIBLE DEVELOPMENT WITHIN ZONE IF SCREENING IS ADEQUATE. MAXIMUM DEVELOPMENT HEIGHT NO MORE THAN RL 88 UNLESS AMENDED BY THE MODIFIED SITE DEVELOPMENT GUIDELINES (REFER TO MODIFICATION 5 OF THIS APPROVAL)
2. NON-COMPATIBLE DEVELOPMENT WITHIN ZONE IF SCREENING IS ADEQUATE. MAXIMUM DEVELOPMENT HEIGHT NO MORE THAN RL 92 UNLESS AMENDED BY THE MODIFIED SITE DEVELOPMENT GUIDELINES (REFER TO MODIFICATION 5 OF THIS APPROVAL)

