

Horsley Park – Concept Plan**Proposed Modifications**

**(incorporating revisions proposed as part of Jacfin Pty Limited's
Response to Submissions dated 24 November 2018)**

SCHEDULE 1

Concept Plan No:	10_0129
Proponent:	Jacfin Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot A DP 392643, Lot 21 DP 1010514
Project:	Jacfin Horsley Park Project, a distribution park of warehouses, distribution centres, light industries and associated infrastructure, and associated rural residential development.

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 Environment
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
Modification Application	Modification Application dated 28 February 2018, as revised on 12 July 2018 and further revised by the associated Response to Submissions dated 24 November 2018
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 and the updated information attached to

correspondence addressed to the Manager - Industry Projects dated 2 October 2013, from JBA Urban Planning Consultants Pty Ltd

Project	The project described in the EA
Proponent	Jacfin Pty Ltd, or its successor
Secretary	Secretary of the Department (or nominee)
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 November 2018 , prepared by Ethos Urban Pty Ltd 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 24
WSEA	Western Sydney Employment Area

Conditions

Condition	Rationale / Comments
Schedule 2 – Concept Plan Modifications	
General terms of approval	
1. Subject to the modifications of the Concept Plan in Modifications 4 to 6, 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; and (c) Stage 3 A; and rural residential development, comprising: (d) Stage 3B; (e) Stage 4; and (f) Stage 5. (d) Stage 4. Notes.- — The general stages of this approval are shown on the plan in Appendix 1. • Final approval is not given for Stages 3B to 5 until	

Condition	Rationale / Comments
written approval has been received from the Director General (see modification 4).	
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 (for Stages 1 to 3 only) (see Appendix 2); and (d) Modification Application modifications of this approval. <i>Note: This approval does not limit the carrying out of exempt or complying development on the Site in accordance with any applicable environmental planning instrument.</i>	
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.	The modifications in Conditions 4 and 5 are no longer relevant.
Modifications to the concept plan	
Scope of Approval	
4. [Deleted] Stages 1 to 3A are approved, subject to the modifications in this approval. Stages 3B to 5 are not approved until written approval has been received from the Director General. In seeking the Director General's written approval, the Proponent must: (a) include revised plans (developed in consultation with the existing adjoining residents) and associated technical studies to demonstrate that: • a reasonable level of amenity (including visual and noise) is maintained for existing residents through the provision of appropriate mitigation measures, which could include an appropriate separation distance, building	The intention of the existing condition was to ensure a reasonable level of amenity is maintained for existing residents at Greenway Place. This has now been achieved by the rezoning of the Stage 4 land to RU4 enabling rural residential development, providing a buffer between the proposed industrial development in Stages 1, 2 and 3, and existing residences. Measures to mitigate noise and visual impacts on any future residences within the new RU4 zone (Stage 4) are provided for in conditions 11A and 11B.

Condition	Rationale / Comments
design and layout, landscaping, and/or bunding; and any change in ground levels have been appropriately engineered, including in relation to drainage; (b) include a Landscape Management Plan prepared by a suitably qualified and experienced expert which sets out the visual mitigation measures in detail including how they will be maintained and managed over time (c) detail the legally binding arrangements to be implemented to provide for the ongoing maintenance and management of the mitigation measures in the revised plans, including associated landscaping; (d) demonstrate consistency with the modifications of this approval; and (e) provide a timetable for the implementation of the revised plans and associated legally binding arrangements, consistent with the Staging Plan required in Modification 6 below, and demonstrate the mitigation measures (that are not building works) and the legally binding arrangements will be implemented, and appropriately established, prior to any building works commencing on Stages 3B to 5.	
5. The Service Centre identified in the Concept Plan is not approved.[Deleted]	There is no Service Centre in the proposed modified Concept Plan.
Development Staging	
6. Unless otherwise agreed to in writing by the Director GeneralSecretary, the Proponent shall prepare a detailed Staging Plan in consultation with Council and relevant utility and service providers to show how development within this areaStages 2	Amended to reflect new staging. Proposed that Staging Plan focus is on the employment area of the Site in Stages 2 and 3.

Condition	Rationale / Comments
<u>and 3</u> of the site is likely to be staged over the life of the Concept Plan. The Plan must be approved by the Director-GeneralSecretary prior to the lodgement of any applications for development within Stages 2 to 5 <u>and 3</u>.	Proposed that Stage 4 can proceed on separate timeframe to Stages 2 and 3.
7. The Site Development Guidelines are approved for use in relation to the development in Stages 1 to 3A. <u>The Site Development Guidelines may be modified at any time with the approval of the Secretary.</u> <u>2</u> <i>Note: The Site Development Guidelines do not apply to Stage 4 or to any exempt or complying development carried out on the Site.</i> Unless otherwise agreed to in writing by the Director-General, the Proponent shall prepare modified Site Development Guidelines to apply to Stages 3B to 5 in consultation with Council. The modified Guidelines must be approved by the Director-General prior to the lodgement of any applications for development within Stages 3B to 5.	Modified site development guidelines for Stages 1 to 3 have been provided as part of the Modification Application, including as revised with the RtS.
Stormwater and Drainage	
8. Unless otherwise agreed to in writing by the Director-GeneralSecretary, the Proponent shall prepare a revised Stormwater and Drainage Strategy for the site <u>Stages 2 to 4 (including flows from upstream areas)</u> in consultation with Council and SCAWaterNSW. The Strategy must be approved by the Director-GeneralSecretary prior to the lodgement of any applications for development within Stages 3B to 5. The Strategy must: (a) be prepared by a suitably qualified and experienced expert; and <u>(b) include a strategy to manage flood waters</u> Flood Management Plan; and (a)<u>(c) where relevant, demonstrate the capacity of the proposed stormwater and drainage infrastructure for the Site to accommodate run-off from permissible development proposed within the Stage 4 area which complies with Council's runoff management requirements.</u>	Amended to reflect new staging.
Biodiversity Management Plan	
9. The Proponent shall prepare and implement a	Amended to reflect new staging.

Condition	Rationale / Comments
Biodiversity Management Plan for the site to the satisfaction of the Director-General <u>Secretary</u>. This plan must: (a) be prepared <u>in accordance with relevant OEH guidelines and</u> in consultation with OEH and the Department of Industry – Water <u>NOW</u> by a suitably qualified and experienced expert; (b) be approved by the Director-General <u>Secretary</u> prior to the issue of a subdivision certificate of any land <u>in Stage 3</u>, or the issue of an occupation certificate for any development within Stages 3A to 5, whichever is the sooner; (c) include a program with timeframes for the implementation of all recommendations of the Ecological Impact Assessment report prepared by Whelans Insites Pty Ltd dated 19 November 2010 including measures to retain, enhance and rehabilitate the E2 corridor and riparian zone on site; <u>(d)</u> detail the site-wide ecological maintenance and monitoring program/s to be implemented <u>in the Stage 3 area</u> for the life of the project; (d)(e) <u>be implemented once approved.</u>	BMP to be prepared in accordance with relevant OEH guidelines, but not a 'consultation' obligation with OEH, as OEH will not provide response to confirm satisfactory consultation. Consultation to be undertaken with Department of Industry – Water as replacement agency for NSW Office of Water. Not appropriate to impose ecological maintenance and monitoring obligations on the Stage 4, RU4 zoned land subject to future subdivision for rural residential use. Implementation obligation is moved to stand alone limb of condition to clarify commencement certification requirements.
Asset Protection Zone	
10. Prior to the issue of a subdivision certificate of any land, or the issue of an occupation certificate for any development, <u>adjoining the E2 zoned land</u>, within Stages 3A to 5, whichever is the sooner, the Proponent shall establish and maintain a 10 metre wide Asset Protection Zone around the E2 corridor in accordance with recommendation 6.1 in Section 6 of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Limited and attached in Appendix G of the EA.	Amended to reflect new staging.
Bushfire Access	
11. Prior to the issue of a subdivision certificate of any land, or the issue of an occupation certificate for	Amended to reflect new staging.

Condition	Rationale / Comments
any development <u>adjoining the E2 zoned land within Stages 3A to 5</u> , whichever is the sooner, the Proponent shall establish and maintain a permanent vehicular access to bushfire prone vegetation within the E2 corridor in accordance with recommendation 6.6 in Section 6 of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Limited and attached in Appendix G of the EA.	Strategy 6.6 states: <i>Access to the bushfire prone vegetation within the E2 zoned corridor shall be provided either by a perimeter road, a perimeter fire trail/walking/cycle-way or by vehicular access to the future buildings or parking areas.</i>
<u>Rural Residential Interface</u>	
11A. <u>The Proponent will ensure that all buildings within Stage 3 are setback at least 10 metres from the boundary of the Stage 4 land.</u>	
11B. <u>Prior to commencing the erection of any buildings in Stage 3, the Proponent will install the landscape interface along the boundary of the Stage 4 land in accordance with the Site Development Guidelines.</u>	
Liability to Lapse	
12. This approval shall lapse 5 years from the date of this approval unless any part of the Stage 1 Project Application, or any other approval or development consent under this concept plan, is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with that approval or development consent, on the Land to which the approval or consent relates.	
Limits on Approval	
13. This approval does not allow any components of the project to be carried out without further project approval or development consent being obtained.	
Schedule 3 – Development Application Requirements	
Further 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 for development <u>in Stages 1 to 3</u> the subject of this Concept Plan approval.	
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	

Condition	Rationale / Comments
and shall, where relevant, 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 Concept Plan approval; subject to the modifications 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) a landscaping plan, which includes appropriate visual mitigation measures and associated drainage channels;	Note condition 4 is to be deleted.

Condition	Rationale / Comments
(g) details of a program to monitor stormwater controls and stormwater quantity and quality, including flows and amounts of pollutants discharging to local waters; (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 (j) 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 LEG 140; and • identifies (if necessary) any further design solutions that may be used to ameliorate or reduce the visual impacts of the proposed development. (k)(i) a noise assessment of the proposed development in accordance with the Interim Construction Noise Guideline and the NSW Industrial Noise Policy, (l)(i) a geotechnical assessment of the proposed development including a Phase 2 contamination investigation for	Visual impact is now adequately addressed by the rezoning of the Stage 4 land and the interface treatment provided for in the amended Site Development Guidelines. Updated to reflect original Statement of Commitments and the findings of the Environmental Assessment undertaken by Consulting Earth Scientists for the original

Condition	Rationale / Comments
developments located along the north-eastern boundary and an assessment of soil and groundwater salinity; (m)(k) a flooding and stormwater assessment of the proposed development; (n)(l) a greenhouse gas assessment of the proposed development; (o) a biodiversity assessment of the proposed development; (p) a bushfire risk assessment of the proposed development which considers the recommendations of the Bushfire Protection Assessment in Appendix G of the EA; (q) a heritage assessment of the proposed development; (r)(m) 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; other than for the southern link road network, demonstration that all road infrastructure works associated with the development are undertaken at no cost to RMS, the Department, Council or any other landowner;	Concept Plan application, which recommended Phase 2 investigations only for future developments along the north-eastern boundary of the site. This is already addressed in Condition 9. This is already addressed in Conditions 10 and 11. There are no items of European heritage on the site. A heritage assessment was provided as part of the original Concept Plan application. Southern link road network will be funded by government collection of levy for 'satisfactory arrangements for regional transport infrastructure'.

Condition	Rationale / Comments
and - a sustainable travel plan including measures to increase non car travel, such as cycling and public transport; (s)(n) an air quality assessment of the proposed development; (t)(o) 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 (u)(p) a construction management plan, containing a: - noise and dust management plan; - soil and water management plan; - traffic management plan; <u>Aboriginal</u> heritage management plan that has been prepared in <u>accordance with</u> consultation with <u>the relevant</u> OEH <u>guidelines</u>, <u>and in consultation with</u> the NSW Heritage Council and relevant Aboriginal groups; and - waste management plan.	Aboriginal heritage management plan to be 'in accordance with relevant OEH guidelines' as OEH will not provide response to confirm satisfactory consultation.

Appendix 2

Statement of Commitments [\(Stages 1 to 3\)](#)

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 (where adjoining).	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 approved under Condition 8 of Schedule 2.	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 for the warehouse buildings on	Prior to the occupation of each warehouse.

Subject	No.	Commitments	Timing
		the site.	
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 for land adjoining the E2 zone 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; • Building construction requirements; • Landscape Maintenance; and • Emergency Planning.	Details to be provided with the relevant Development Application(s).
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	Acoustic Assessments will be submitted with future development applications for each warehousing building detailing acoustic mitigation measures where required. For buildings on lots with boundary to the Greenway Place properties: • 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.	Details to be provided with the relevant Development Application(s). Site Development Guidelines provide for zone interface arrangements.
Waste Management [Delete – duplicates Item 6]	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 12	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 13	A test excavation program will be undertaken in 4 PADs identified by GML. An Archaeological	Prior to issue of a Construction Certificate

Subject	No.	Commitments	Timing
		Research Design (ARD) will be developed prior to the test excavation program and presented to the relevant aboriginal stakeholders for review and comment.	for any parts of the site which include a PAD.
	15 14	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 [Delete]	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 [Delete – duplicates Condition 2(j) of Schedule 3.]	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 Department of Industry – Water	18 15	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 16	The Flood mitigation and stormwater 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 17	Detailed landscape plans will be prepared for each future development application which will demonstrate compliance with the landscape principles established in the is PPR and Modification Application .	Details to be provided with the relevant Development Application(s).
Driver Code of Conduct	21 18	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.