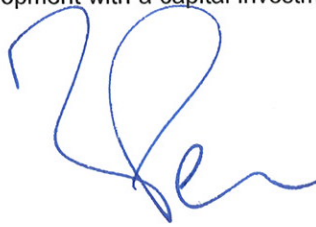


Concept Plan Approval

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

I, the Deputy Director-General under the instrument of delegation dated 25 January 2010:

- approve, under section 75O, the Concept Plan referred to in Schedule 1, subject to the modifications in Schedule 2 and subject to the Proponent making satisfactory arrangements to enter into a planning agreement in accordance with the Statement of Commitments and the terms of this approval;
- determine, under section 75P(1)(a) the further environmental assessment requirements as set out in Schedule 3; and
- determine, under section 75P(1)(b), that any further development for the purpose of the project be subject to Part 4 of the Act, except for Stage 1 and development with a capital investment value greater than \$30 million.



Richard Pearson
Deputy Director-General

Sydney

29th June

2010

SCHEDULE 1

Application No:

09_0099

Proponent:

Afteron Pty Ltd

Approval Authority:

Minister for Planning

Land:

Lot 1 DP 1040948

Concept Plan:

Establishment of the Minchinbury Employment Park, a park of warehouses, distribution centres, light industry, office premises, high technology uses, freight logistics facilities, and associated infrastructure.

SCHEDULE 2

DEFINITIONS

Concept Plan	Concept plan for the proposed Minchinbury Employment Park, a park of warehouses, distribution centres, light industry, office premises, high technology uses, freight logistics facilities, and associated infrastructure, depicted generally in Appendix 1, and described in: the environmental assessment in support of the concept plan application for the proposal, prepared by Afteron Pty Limited, and dated November 2009.
Council	Blacktown City Council
Day	period from 7am to 6pm, Monday to Saturday, and 8am to 6pm, Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	period from 6pm to 10pm.
MEP	Minchinbury Employment Park
Minister	Minister for Planning
Minchinbury Employment Park	
Concept Plan Development Controls	Development Controls as outlined in the EA
Night	period from 10pm to 7am, Monday to Saturday, and 10pm to 8am, Sundays and Public Holidays
SCA	Sydney Catchment Authority
Proponent	Afteron Pty Limited, or its successors in title
Site	Land to which the concept plan application applies (see schedule 1)
Stage 1	Roadworks, earthworks, and trunk drainage infrastructure reticulation within the site
Statement of Commitments	See Appendix 2

GENERAL TERMS OF APPROVAL

1. Concept plan approval is granted for:
 - (a) subdivision of the site;
 - (b) bulk earthworks across the site;
 - (c) development of a regional distribution park of warehouses, distribution centres, light industry, office premises, high technology uses, freight logistics facilities, and associated infrastructure, consisting of:
 - 4,000 m² - 10,000 m² lots;
 - 65% site coverage for each lot;
 - lots with a minimum frontage of 45m;
 - building heights of 15-20m;
 - an eastern detention basin generally where located on the Concept Masterplan (see Appendix 1);
 - a western detention basin generally where located on the Concept Masterplan (see Appendix 1);
 - 10 m minimum landscaped setbacks, with 20 m to the Wallgrove Road and M4 boundaries;
 - 23 m reserve for internal roads;
 - 24 hour operations, 7 days a week; and
 - (d) provision of a range of associated infrastructure to provide essential services to the site, including the signalisation of the site access intersection with Wallgrove Road.

Note: The general scope of this approval is depicted in the concept masterplan (see Appendix 1)

MODIFICATIONS TO THE CONCEPT PLAN

2. At least 3 months prior to a Project Application being lodged, the Proponent shall, to the satisfaction of the Director-General:
 - (a) submit a staging plan for the provision of all infrastructure for the project and likely timeframes;
 - (b) revise the Minchinbury Employment Park Concept Plan Development Controls as outlined in the EA, to include targets and objectives for minimising energy consumption, maximising energy efficiency and reducing greenhouse gas emissions; and

- (c) provide a Transport Management Accessibility Plan for Minchinbury Employment Park, outlining the potential for alternate modes of transport for onsite workers.

LIMITS ON APPROVAL

- 3. This approval does not allow any components of the project to be carried out without further approval or consent being obtained.

BIODIVERSITY

- 4. The Proponent shall offset any vegetation removed from site for subsequent projects to the satisfaction of the Director-General, in accordance with the Biobanking Credit Report, Proposal ID: 0057/2009/D001, in consultation with DECCW.

CONSISTENCY OF FUTURE DEVELOPMENT

- 5. The Proponent shall ensure that all development on site is carried out generally in accordance with the:
 - (a) concept plan (see condition 1 above);
 - (b) statement of commitments (see Appendix 2); and
 - (c) conditions of this approval.
- 6. If there is any inconsistency between the above, then the most recent plan/document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

CONTRIBUTIONS

- 7. The planning agreement is to be entered into within 12 months of this approval, in accordance with Division 6 of Part 4 of the EP&A Act and the Statement of Commitments (see Appendix 2).

LIABILITY TO LAPSE

- 8. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this concept plan within 5 years of the date of this approval.

DEMOLITION

- 9. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

SCHEDULE 3

FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS FOR PROJECT AND DEVELOPMENT APPLICATIONS

10. The Proponent shall ensure that in seeking approval for the implementation of all future development of and within the MEP, the application includes:
- (a) a detailed description of the layout and design of the proposed development;
 - (b) an assessment demonstrating that this layout and design is generally consistent with the Minchinbury Employment Park Concept Plan Development Controls;
 - (c) building design including:
 - consideration of the height, bulk and scale of the proposed buildings;
 - details of building design excellence, to reduce visual impacts along the sites frontage to the M4, M7 and Wallgrove Road.
 - an assessment of compliance with the Building Code of Australia;
 - water and energy requirements and opportunities for incorporating efficiency measures;
 - (d) satisfactory arrangements for local and regional infrastructure;
 - (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, providing justification for the approach outlined in the EA and details of the ongoing ownership, management and maintenance regime for the stormwater scheme, to be developed in consultation with the Council;
 - any regional rainwater harvesting infrastructure;
 - parking and access, including bicycle facilities;
 - details of internal road layout and design, to be developed in consultation with the Council;
 - (f) details of a program to be developed in consultation with Council, to monitor stormwater controls and stormwater quantity and quality, including flows and impacts to the local creek system 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.
 - (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 noise assessment of the proposed development in accordance with the NSW *Industrial Noise Policy* demonstrating that the operational noise generated by the proposed development and any other development on the project site would not exceed the noise criteria detailed in Table 1;
 - (j) an assessment of soil and groundwater salinity;
 - (k) a flood assessment;
 - (l) a greenhouse gas assessment;
 - (m) a traffic assessment of the proposed development prepared in accordance with the RTA's Guide to Traffic Generating Developments including:
 - an assessment of the number 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; and
 - measures to increase non car travel, such as cycling and public transport;
 - (n) an air quality assessment of the proposed development;
 - (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
 - (p) a construction management plan, containing a:
 - noise and dust management plan;
 - soil and water management plan, prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guidelines;
 - traffic management plan; and
 - waste management plan.

Table 1: Project Noise Limits (dB(A))

Location	Day Noise Goal	Night Noise Goal
Eskdale Street	39	39
Pikes Lane	38	38
Cemetery - Oaks Drive	39	39
Cemetery - Melville Drive	48	48

Notes:

- Noise emission limits apply under meteorological conditions of wind speeds up to 3 m/s at 10 metres above ground level or temperature inversions conditions of 3°C/100m and wind speed up to 2 m/s at 10 metres above the ground. To determine compliance with this condition, noise from the development must be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary.
- However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- The noise limits do not apply if the Proponent has an agreement with the relevant owner of lands within these locations to generate higher noise levels and the Proponent has advised the Department in writing of the terms of this agreement.

APPENDIX 1
INDICATIVE LAYOUT OF THE CONCEPT PLAN



Figure 1: Illustrative Master Plan and Street Design

APPENDIX 2 STATEMENT OF COMMITMENTS

No.	What	Commitment	Who	When
General				
1.	Compliance with approvals, reports, guidelines etc	<p>1.1 Compliance with Concept Plan Future developers on the site must comply with all conditions of consent, and be generally consistent with this Concept Plan.</p> <p>1.2 Future Development to be consistent with the Urban Design Guidelines Future development will be assessed with regard to compliance with the objectives and development controls outlined in the Urban Design Guidelines prepared by AECOM (dated March 2010). Relevant provisions refer to:</p> <ul style="list-style-type: none"> > Site Planning > Access, Manoeuvring and Car Parking > Building Configuration > Landscaping > Stormwater Management <p>1.3 Future Development to be consistent with the Water Sensitive Urban design (WSUD) Report Future development will be assessed with regard to compliance with the objectives and development controls outlined in the WSUD Report contained in Appendix G to this report.</p> <p>1.4 Future Development to be consistent with the Sustainability Report Future development will be assessed with regard to compliance with the objectives and development controls outlined in the Sustainability Report contained in Appendix J to this report.</p>	Afteron Ltd & successors in title, future developers	Ongoing
2.	Commitment to minimise harm to the environment	<p>2.1 Minimise Harm to the Environment Afteron will implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction of the development.</p>	Afteron Ltd & successors in title, future developers	Ongoing

No.	What	Commitment	Who	When
Environmental Protection				
3.	Soil and Water	<p>3.1 Sediment & Erosion Control During construction, all reasonable measures will be undertaken to minimise soil and erosion control and discharge of sediment from site to downstream land.</p> <p>Plans will be prepared for approval of the relevant consent authority in accordance with Part R of the Blacktown Development Control Plan 2006, and Managing Urban Stormwater: Soils & Construction (Landcom).</p> <p>Regular checking and maintenance will be undertaken to maintain effectiveness of measures.</p> <p>3.2 Salinity A Salinity Assessment and Management Plan will be prepared for approval by the Director General prior to commencement of works on-site, and adhered to during works on-site.</p> <p>3.3 Stormwater Management Stormwater Management Plan (SMP) for the MEP, consistent with the WSUD strategy, will be prepared for approval by the Director General to address the detail design parameters for civil engineering design of the proposed basins, and during subdivision works and drainage works. This plan will also be implemented during the development of individual sites.</p> <p>Runoff to be controlled on-site and treated to satisfy relevant BCC and industry standards, achieving the following outcomes:</p> <p>A. Runoff water quality will be treated on-site to satisfy or exceed the following pollutant reduction targets:</p> <ul style="list-style-type: none"> > Gross Pollutants – 90% > Total Suspended solids (TSS) – 85% > Total Phosphorus (TP) – 65% > Total Nitrogen (TN) – 45% <p>B. On-site detention will be provided to ensure there is no increase in peak flows or flooding in either catchment for runoff from events of 1,2,5,10, 20 or 100 year annual recurrence interval (ARI)</p> <p>Trunk runoff infrastructure to be designed and maintained to industry and authority standards for an agreed period prior to dedication to Council – in the event of subdivision of the site.</p> <p>3.4 Contamination A targeted Phase 2 Environmental Site Assessment shall be undertaken and submitted for approval by the Director-General. Where contaminants are identified which warrant remediation, a Remediation Action Plan (RAP) shall be prepared and remediation undertaken and validated, prior to the commencement of works on-site.</p>	Afteron Ltd & successors in title, future developers	Plans to be submitted for consent authority approval, and measures to be implemented prior to commencement of construction.

No.	What	Commitment	Who	When															
Environmental Protection																			
4	Waste Management	4.1 Waste Management Plan A Waste Management Plan for each project/development application shall be prepared for the approval of the relevant consent authority prior to the commencement of any works on-site, and adhered to at all times during construction or demolition works.	Afteron Ltd & successors in title, future developers	Prior to works commencing															
5.	Construction impacts upon Adjoining Land	5.1 Protection of Adjoining Property Reasonable measures will be implemented during construction to protect and minimise damage to adjoining property. Where damage does occur this damage is to be rectified at the developers expense and to the satisfaction of the adjoining landowner.	Afteron Ltd & successors in title, future developers	During construction															
6.	Biodiversity	6.1 Retirement of Biobanking Credits The biobanking liability of 76 credits (as determined in the Biobanking Credit Report ID: 0057/2009/D001 - dated 18 February 2010), shall be purchased and retired to the satisfaction of DECCW	Future developers	Prior to clearing of any vegetation on-site.															
7	Air quality	7.1 Air Quality Commitment During construction all trucks entering and leaving the site will have their loads covered. Dust on-site will be minimised in accordance with a dust management strategy to be submitted for approval to the relevant consent authority with the relevant application.	Afteron Ltd & successors in title, future developers	During construction															
8	Noise control	8.1 Restriction on Construction Working Hours Construction work that generates noise that is audible from adjoining properties, will be limited to standard construction hours of 7am to 6 pm Monday to Fridays, and 7am to 1pm Saturdays, no work is permitted on Sundays and Public holidays. 8.2 Noise limits for operations Permitted operating hours for the Minchinbury Employment Park will be 24 hours 7 days per week subject to compliance with the following noise criteria: <table><tr><th>Receiver</th><th>Daytime (dBA)</th><th>Night (dBA)</th></tr><tr><td>Eskdale St</td><td>54</td><td>43</td></tr><tr><td>Pikes Lane</td><td>48</td><td>44</td></tr><tr><td>Cemetery - Oakside Drive</td><td>50</td><td>N/A</td></tr><tr><td>Cemetery - Melville Drive</td><td>50</td><td>N/A</td></tr></table> 8.3 Acoustic Impact Reports to Accompany Development Proposals All future applications (Part 3A or Development Applications) that propose a new use, or change to operating hours, shall be accompanied by an acoustic assessment report that addresses the above noise criteria	Receiver	Daytime (dBA)	Night (dBA)	Eskdale St	54	43	Pikes Lane	48	44	Cemetery - Oakside Drive	50	N/A	Cemetery - Melville Drive	50	N/A	Future developers & site occupants	During construction and ongoing
Receiver	Daytime (dBA)	Night (dBA)																	
Eskdale St	54	43																	
Pikes Lane	48	44																	
Cemetery - Oakside Drive	50	N/A																	
Cemetery - Melville Drive	50	N/A																	

No.	What	Commitment	Who	When
Environmental Protection				
9	Construction Traffic	9.1 Construction Traffic Plan A plan shall be prepared which details anticipated traffic movements onto and from the site during construction works. Included in this plan will be estimate numbers, frequency, and measures to ensure the operation of Wallgrove Road is not compromised, and that suitable environmental standards are satisfied. The plan shall be to the satisfaction of Blacktown City Council and the RTA. Works shall comply with the approved Construction Traffic Plan.	Future developers	During construction
Sustainability and Greenhouse Gas				
10.	Demand for Potable water	10.1 Use of Water Saving Devices Demand for mains potable water in the Minchinbury Employment Park will be minimised through: <ul style="list-style-type: none"> > use of water efficient appliances and fixtures in developments > investigation of the feasibility of connecting the site to regional recycled water network > landscaping that is predominantly comprised of native species that require little if any ongoing irrigation 10.2 Collected Rainwater shall be Reused to reduce Demand Future development/project applications shall be accompanied by details of rainwater collection devices and suitable reticulation systems to ensure that rainwater is a viable substitute for potable water supply for toilets and landscaping, and other uses as is determined to be practicable.	Future developers & site occupants	In documentation of future development and ongoing
11	Building Design	11.1 Sustainability Report Sustainable building design shall be considered during the development/project application stage. Separate sustainability reports detailing sustainable building design initiatives used in the detail design for projects, including estimates of greenhouse gas emission savings, shall be provided for approval of the relevant authority with individual development/project applications	Future developers	In documentation of future development and ongoing
Servicing of site				
12.	Provision of water, sewer, electricity, and telecommunication services to site	12.1 Infrastructure Services to be Provided Designs for augmentation and extension of trunk services (as required and outlined in the Infrastructure Strategy contained in Appendix C) shall be prepared and approval sought from relevant authorities, including Sydney Water, Integral Energy, and Telstra (and others as required). These services, including new pipes and conduits shall be constructed in accordance with authority requirements and specifications, and are subject to appropriate negotiations being undertaken with adjoining and other affected property owners.	Afteron Ltd & successors in title	Prior to release of first subdivision certificate or Occupation Certificate whichever occurs first
13.	Upgrade existing intersection with Wallgrove Road	13.1 Construct Signalised Intersection Prepare a detailed design and obtain approval from the RTA for the signalling of the existing intersection with Wallgrove Road. The intersection shall be constructed in accordance with the terms and specifications of the applicable road authority (RTA), and include allowance for: <ul style="list-style-type: none"> > Co-ordination of phasing between the 4 local intersections > Extensions to the right turn waiting bay in the Wallgrove Road median. 	Afteron Ltd & successors in title, future developers	Signals to be operational prior to occupation of the first new building on the site.

No.	What	Commitment	Who	When
13A	Upgrade existing intersection of Wallgrove Road and Great Western Highway	13A.1 Increase Vehicle Storage at intersection Prepare a detailed design and obtain approval from the RTA for the increase in vehicle storage in right turn movements from Great Western Highway into Wallgrove Road.	Afteron Ltd & successors in title, future developers	Works to be completed prior to occupation of first new building on the site.
Heritage and Archaeology				
14	Aboriginal Heritage	14.1 Aboriginal Heritage Management Strategy An Aboriginal Heritage Management Strategy to be prepared by a suitable qualified and experienced consultant to address the recording and removal (where required) of the six (6) finds, as well as the management of ongoing community involvement during the development, and establishing an undiscovered finds policy to be adhered to in future development.	Afteron Ltd & successors in title, future developers	Prior to commencement of works on-site.
15	Heritage	15.1 Archaeological Assessment Undertake a targeted archaeological assessment of the two locations identified in the Heritage Assessment Report contained in Appendix M. This shall include archaeological recording and assessment and the making of appropriate recommendations regarding removal (where required). Relics to be removed in accordance with statutory requirements and approvals (where required). 15.2 Heritage Interpretation Strategy Preparation of a Heritage Interpretation Strategy for the site generally in accordance with the City Plan Heritage report (Appendix M). Recommendations of the Strategy to be implemented 15.3 Photographic Record of Existing Development Undertake a photographic survey of all buildings and landscape elements prior to demolition works commencing in accordance with NSW Heritage Office guidelines.	Afteron Ltd & successors in title, future developers	Survey, assessments and strategy to be agreed by NSW Heritage Office (DoP) prior to commencement of works on-site.
Contributions to Local and State Infrastructure				
16.	Contributions to Regional Transport Infrastructure	16.1 Voluntary Planning Agreement Offer and enter into a VPA with the Minister for Planning at a rate of \$180,000 per net developable hectare, to enable monetary contributions made towards costs of upgrading of relevant state funded transport infrastructure	Afteron Ltd & successors in title	Prior to release of first subdivision certificate or Occupation Certificate whichever occurs first
17.	Providing facilities to encourage alternative modes of transport	17.1 Construct Pedestrian/Cycleway Obtain approval from relevant authorities (RTA and Council) and construct a shared pedestrian/cycleway from the intersection of the Great Western Highway to the site along Wallgrove Road (western side) – or other links agreed between the developer and those authorities. 17.2 Construct New Bus Stops in Wallgrove Road Negotiate with Busways, RTA, Blacktown City Council to construct bus stops on both sides of Wallgrove Road near to the site entry that can be accessed by the existing bus service that passes the site.	Future developers	In documentation of future development and ongoing

No.	What	Commitment	Who	When
Contributions to Local and State Infrastructure				
18.	Dedicate internal road system and communal drainage infrastructure to Council	<p>18.1 Construct and Dedicate Public Roads to Blacktown City Council In the event of subdivision of the site into multiple titles, the internal road network shall be constructed to Council engineering standards and approved design. Internal road network shall be subdivided and dedicated as public roads at no cost to Council.</p> <p>18.2 Construct and Dedicate Public Drainage Infrastructure to Blacktown City Council In the event of subdivision of the site into multiple titles, the drainage system within roadways and drainage basins shall be constructed to Council engineering standards and approved design. The detention basins and drainage reserves (as applicable) shall be subdivided and dedicated at no cost to Council.</p>	Afteron Ltd & successors in title	Simultaneously with the Issue of a Subdivision Certificate
19.	Regional Rainwater Harvesting Scheme	<p>19.1 Provision of infrastructure suitable to contribute towards Regional Rainwater Harvesting The Minchinbury Employment Park will include provision for runoff collection infrastructure if the harvesting scheme proceeds. Prior to preparation of detailed public domain and infrastructure plans for the site, formal feedback will be sought from Sydney Water regarding the specifications and civil design requirements to implement the system on-site. (it is anticipated this will include a collection system and on-site storage reservoirs to be constructed at the same time as individual developments occur)</p>	Afteron Ltd & successors in title, Future developers	Prior to submission of development/ project application for infrastructure and public domain works
Signage				
20.	Signage Strategy	<p>20.1 Signage Strategy A signage strategy providing for private and public signage within the Minchinbury Employment Park shall be prepared for approval by the Director-General. To include siting and design guidelines (eg. heights, locations, content, themes, materials, public domain signage). Compliance with the strategy to form part of this Concept Plan. Signage strategy to be to Council's satisfaction.</p>	Future developers	Prior to release of first Occupation Certificate or subdivision certificate, whichever occurs first.