

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 11 OCTOBER 2018

SCHEDULE 1

Project Approval (MP 10_0130), granted by the former Minister for Planning on 28 October 2013 for the Jacfin Horsley Park - Stage 1: Warehouse and Subdivision development at Lot A DP 392643 in the Penrith local government area.

SCHEDULE 2

This approval is modified as follows:

1. Delete the definitions for Department, Director-General, Minister and Regional Road 1 and insert the following definitions in alphabetical order:

Access Road	The existing road on the Burley Road reserve alignment which provides access from the southern terminus of the Old Wallgrove Road to the Site, as generally described in the Modification Application dated 28 February 2018 and depicted in Drawing X10135-SK16 prepared by Calibre, Rev 02, Dated 14/05/2018
Department	Department of Planning and Environment
Local Road 1	Local Road 1 to be constructed as part of Stage 1 as generally described in the PPR, described in the Modification Application dated 28 February 2018 and shown in Appendix 2
Local Road 2	Local Road 2 to be constructed as part of Stage 1 and in the Burley Road reserve alignment, as generally described in the Modification Application dated 28 February 2018 and depicted in Drawing No. 001 prepared by Calibre, Revision 0, Dated 06/04/2018 in Projects X10135.01 and X10135.02
Planning Minister	The Minister for Planning
Planning Secretary	The Secretary of the Department of Planning and Environment
Warehouse Building 1	The warehouse building to be constructed as part of Stage 1 on proposed Lot 100, as generally described in the PPR and shown in Appendix 2

2. Replace all references to "NOW" with "Department of Industry".

In Schedule 2: Administrative Conditions

3. Delete Condition 2 and replace with the following:
 2. The Proponent shall carry out the project in accordance with the:
 - (a) EA;
 - (b) PPR;
 - (c) Statement of Commitments (see Appendix 1);
 - (d) Modification Application dated 28 February 2018;
 - (e) Site Plans (see Appendix 2); and
 - (f) conditions of this approval.

4. Delete Condition 6 and replace with the following:
 6. This approval shall lapse 5 years from the date of this approval unless any part of the Project is physically commenced (within the meaning of Section 4.53 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.
5. Delete Condition 13 and replace with the following:
 13. The Proponent shall enter into a voluntary planning agreement in accordance with the letter of offer dated 17 May 2013, within 1 month of the later of the date of this approval or the day being the last day that the VPA is notified under Section 7.5 of the EP&A Act.

In Schedule 3: Specific Environmental Conditions

6. Delete Condition 3 and replace with the following:
 3. During the construction of the project, the Proponent shall implement suitable erosion and sediment control measures in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline*.
7. Delete Condition 6 and replace with the following:
 6. The Proponent is required to construct Local Road 2, including associated drainage infrastructure in the road reserve, prior to the erection of Warehouse Building 1, to the satisfaction of the Planning Secretary.

Note: The detailed design specification for these works are to be developed through Condition 7 of this Schedule.
8. Delete Condition 7 and replace with the following:
 7. The Proponent shall prepare and submit detailed plans and drawings for Local Road 1 and Local Road 2 prior to the erection of Warehouse Building 1. The plans must:
 - (a) be prepared in consultation with Penrith City Council, Fairfield City Council;
 - (b) be prepared by a suitably qualified and experienced expert; and
 - (c) be to the satisfaction of the Planning Secretary.
9. Delete Condition 8 and replace with the following:
 8. The Proponent must complete the construction of Local Road 1 and Local Road 2 to the satisfaction of the Planning Secretary, prior to the erection of Warehouse Building 1.
10. Delete Condition 9 and replace with the following:
 9. The Proponent shall ensure that the design of the Local Roads is in accordance with AUSTROADS to accommodate B-triple trucks, the relevant Australian Codes of Practice and RMS Supplements.
11. Delete and replace Condition 12 with the following:
 12. All allotments fronting the Local Road 2 (Boundary Lots) shall have an access denied boundary along the road reserve. A restriction on the use of land (Restriction) must be registered on the title search of each Boundary Lot which provides, to the satisfaction of the Planning Secretary, that there is to be no access to the Local Road 2 from the Boundary Lot(s). The ability to vary release of the restriction must be favour to the Planning Minister or a public authority (e.g. RMS), as directed by the Planning Secretary.
12. Delete and replace Condition 13 with the following:
 13. The Proponent shall prepare and implement a Traffic Control Plan for the use of the Access Road by heavy vehicles associated with the Stage 1 works. The plan must:
 - (a) be approved by the Planning Secretary prior to the commencement of use of the Access Road by heavy vehicles;
 - (b) be prepared by a suitably qualified and experienced expert;
 - (c) be prepared in consultation with Fairfield City Council; and
 - (d) detail the measures that would be implemented to ensure road safety during construction, including (but not limited to):
 - installation of signage and implementation of maximum speed limits on internal roads;

- integration of traffic controls with existing traffic management for development works by others on adjoining properties where the same sections of the Access Road are utilised by more than one party; and
- details of the proposed traffic control measures.

13. Delete and replace Condition 18 as follows:

18. The Proponent shall prepare a Work Place Travel Plan for the project in consultation with Council and RMS to the satisfaction of the Planning Secretary. The plan must:
- be prepared and implemented by a suitably qualified and experienced person;
 - be approved by the Planning Secretary prior to commencement of operation of Warehouse Building 1;
 - have consideration of the guidance provided in the NSW State Government Premier's Council for Active Living *Work Place Travel Plan Resource* website;
 - aim to encourage the use of sustainable transport by employees to and from the Site;
 - have a clear and achievable set of objectives including (but not limited to):
 - to minimise the impacts of employee travel on the road network and local community; and
 - to reduce the reliability of employees on on-site car parking spaces.
 - detail the measures/actions to be implemented to achieve the objectives of the plan;
 - include a program to monitor and evaluate the effectiveness of these measures/actions; and
 - include a program periodically update and improve the plan in response to monitoring.

14. Delete and replace Condition 31 as follows:

31. The Proponent must ensure that any surface objects collected in accordance with Condition 32 of this Schedule are stored in a documented location chosen in consultation with local Aboriginal Community Representatives and the OEH.

15. Insert new Condition 39 immediately after Condition 38 as follows:

39. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the Development; and
 - relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development.

16. Insert new Condition 40 immediately after Condition 39 as follows:

40. Site access via the Crown Road Reserve off Horsley Road is permitted during the Construction hours specified by Condition 22 of Schedule 3, for the following circumstances only:
- one 15-tonne rigid truck, for the delivery of bulk earthworks machinery, to enter and exit the Site on one occasion only; and
 - up to two light vehicles to enter and exit the Site per day, for the purposes of bulk earthworks, for a period of up to 10 days commencing on the day the bulk earthworks machinery is delivered to the Site, as permitted by Condition 40 of Schedule 3.

If bulk earthworks are completed prior to the approval of the Traffic Control Plan required by Condition 13 of Schedule 3, Site access via the Crown Road Reserve off Horsley Road is permitted during the Construction hours specified by Condition 22 of Schedule 3 for one 15-tonne rigid truck, for the removal of bulk earthworks machinery, to enter and exit the Site on one occasion only, within 10 days of the delivery of the bulk earthworks machinery.

The Proponent is required to notify the Department, in writing, of any use of the Crown Road Reserve off Horsley Road by heavy vehicles, prior to use of the Crown Road Reserve.

17. Insert new Condition 41 immediately after Condition 40 as follows:

41. Two days prior to the use of the Crown Road Reserve permitted by Condition 40, the Proponent must notify occupants within 200 m of the access to the Crown Road Reserve off Horsley Road providing details of the intended use of the Crown Road Reserve and the extent of works to be carried out on-site.

In the Appendices

18. Delete and replace Appendix 1 as below.

19. Delete and replace Appendix 2 as below.

**APPENDIX 1
STATEMENT OF COMMITMENTS**

Subject	No.	Commitments	Timing
Construction Management	1.	A Construction and Environmental Management Plan will be prepared 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; - 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.
	2.	The construction noise mitigation measures recommended by the Acoustic Consultant will be incorporated into the Construction and Environmental Management Plan.	Prior to works commencing.
Waste Management	3.	An Operational Waste Management Plan will be prepared for the Stage 1 Warehouse Building.	Prior to the occupation of the warehouse.
	4.	If required a Hazard Assessment for the storage of hazardous goods will be undertaken.	Prior to the issue of a Construction Certificate relating to the construction of a hazardous material storage facility.
Signage and Lighting	5.	Future applications will be lodged providing detail on signage and lighting for the Stage 1 Warehouse Building.	Prior to the occupation and use of the warehouse building.
Building Code of Australia	6.	The Stage 1 warehouse building will comply with the relevant provisions of the Building Code of Australia	Prior to the issue of a Construction Certificate.
Heritage	7.	Prior to the works commencing a test excavation program will be undertaken in PAD 3. 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.
Contributions	8.	Jacfin will enter into an agreement with the Department of Planning as part of the Stage 1 Project Application, in accordance with Division 6 of Part 4 of the EP&A Act, to provide for regional infrastructure contributions, as outlined in Section 6.14 of this report.	Prior to the issue of an Occupation Certificate.
Contamination	9.	Jacfin will undertake a Phase 2 contamination investigation of the portion of the Crown road reserve (Burley Road) located in the Penrith LGA required for Local Road 2 prior to the issue of a construction certificate for Local Road 2. If the subject area is found not to be suitable for the proposed use, Jacfin will prepare and implement a Contamination Management Plan for the identified contamination to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with Penrith Council by a suitably qualified and experienced expert; (b) be approved by the Secretary prior to the issue of any s138 Roads Act Approval for Local Road 2 in which the contamination is present; (c) outline the preliminary and detailed investigations that have been undertaken to test for the presence of contamination; (d) detail the protocols to be put in place and followed to manage contaminated soil or water if encountered during construction; (e) detail how contaminated soil will be tested, handled and stockpiled;	Prior to the issue of any s138 Roads Act approval for Local Road 2.

		<ul style="list-style-type: none"> (f) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil; and (g) outline how contaminated soil and water would be classified and disposed of in accordance with the EPA's Waste Classification Guidelines. 	
Dilapidation Report	10.	<p>Jacfin will undertake a dilapidation report of the constructed portion of Burley Road to the intersection of Burley Road and Old Wallgrove Road prior to the issue of a construction certificate for Local Road 2. The required dilapidation report must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified structural engineer; (b) be submitted to Fairfield City Council prior to the commencement of construction of Local Road 2; (c) be submitted to the Secretary prior to the commencement of construction of Local Road 2; (d) cover structural and geotechnical factors likely to arise from the development; and (e) be accompanied by a geotechnical report prepared by a suitably experienced and qualified geo-practitioner. <p>The geotechnical report must assess the impact and safety of the proposed Local Road 2 works in the Fairfield LGA, include the results of subsurface investigations (involving test pits to rock or the drilling of cored boreholes (to 1 metre below the proposed final excavation level) or another relevant method) and describe inter alia:</p> <ul style="list-style-type: none"> (a) an indication of the nature and depth of any uncontrolled fill along the relevant Site; (b) an indication of the nature and condition of the material to be excavated; (c) indications of groundwater or seepages; (d) required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries; (e) statement of required excavation methods in rock and measures required to restrict ground vibrations; and (f) other geo-technical information or issues considered relevant to design and construction monitoring. 	Prior to the issue of a Construction Certificate for Local Road 2.

APPENDIX 2
SITE PLANS





1970s and 1980s, the number of people who have been diagnosed with the disease has increased significantly. This is due to a combination of factors, including improved diagnostic techniques and a better understanding of the disease's symptoms.

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HORSLEY PARK
EMPLOYMENT PRECINCT
LOT A BURLEY ROAD

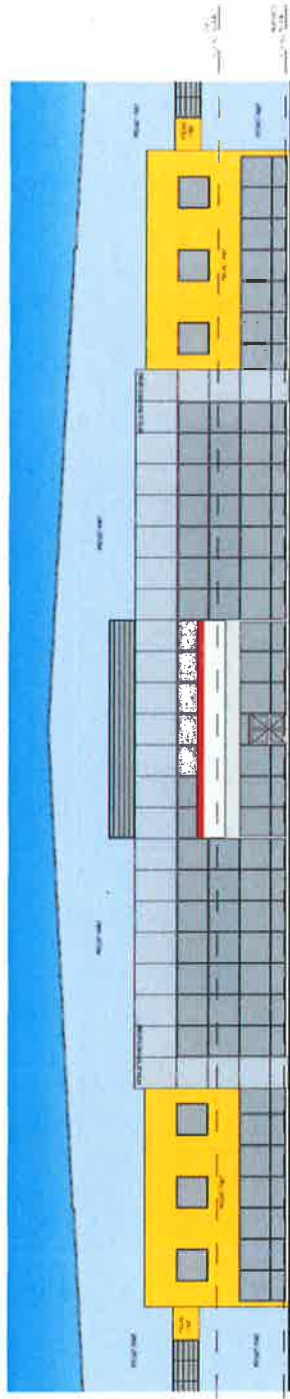
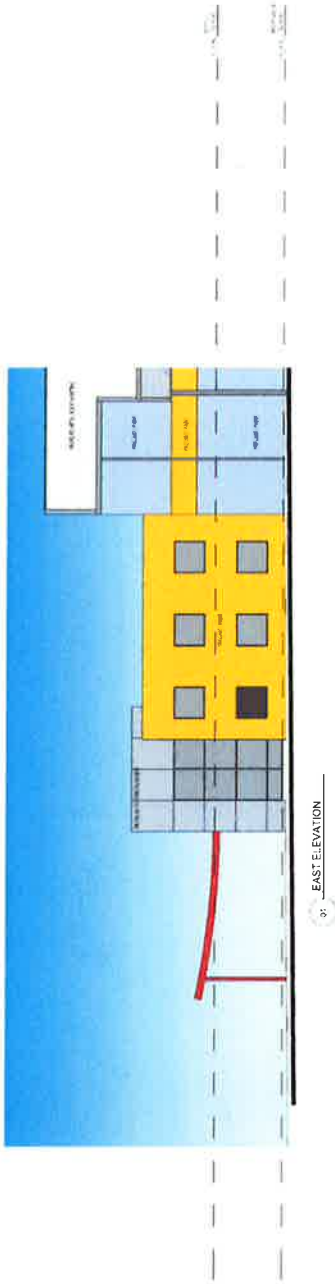
HORSLEY PARK BUILDING 1
ELEVATIONS AND SECTION

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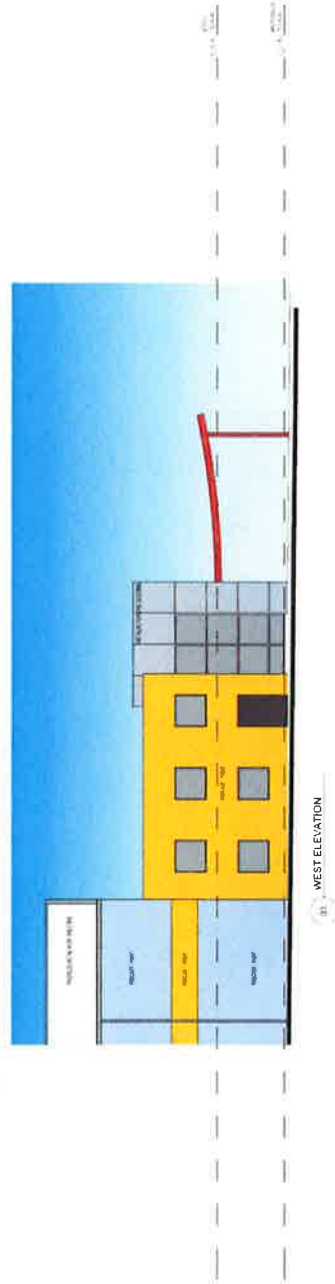


KEY PLAN

This key plan shows the location of the proposed development within the site boundaries. The site is bounded by the Bursley Road to the north, the Bursley Road to the south, the Bursley Road to the east, and the Bursley Road to the west. The proposed development is located within the site boundaries. The site is bounded by the Bursley Road to the north, the Bursley Road to the south, the Bursley Road to the east, and the Bursley Road to the west. The proposed development is located within the site boundaries.



03 WEST ELEVATION

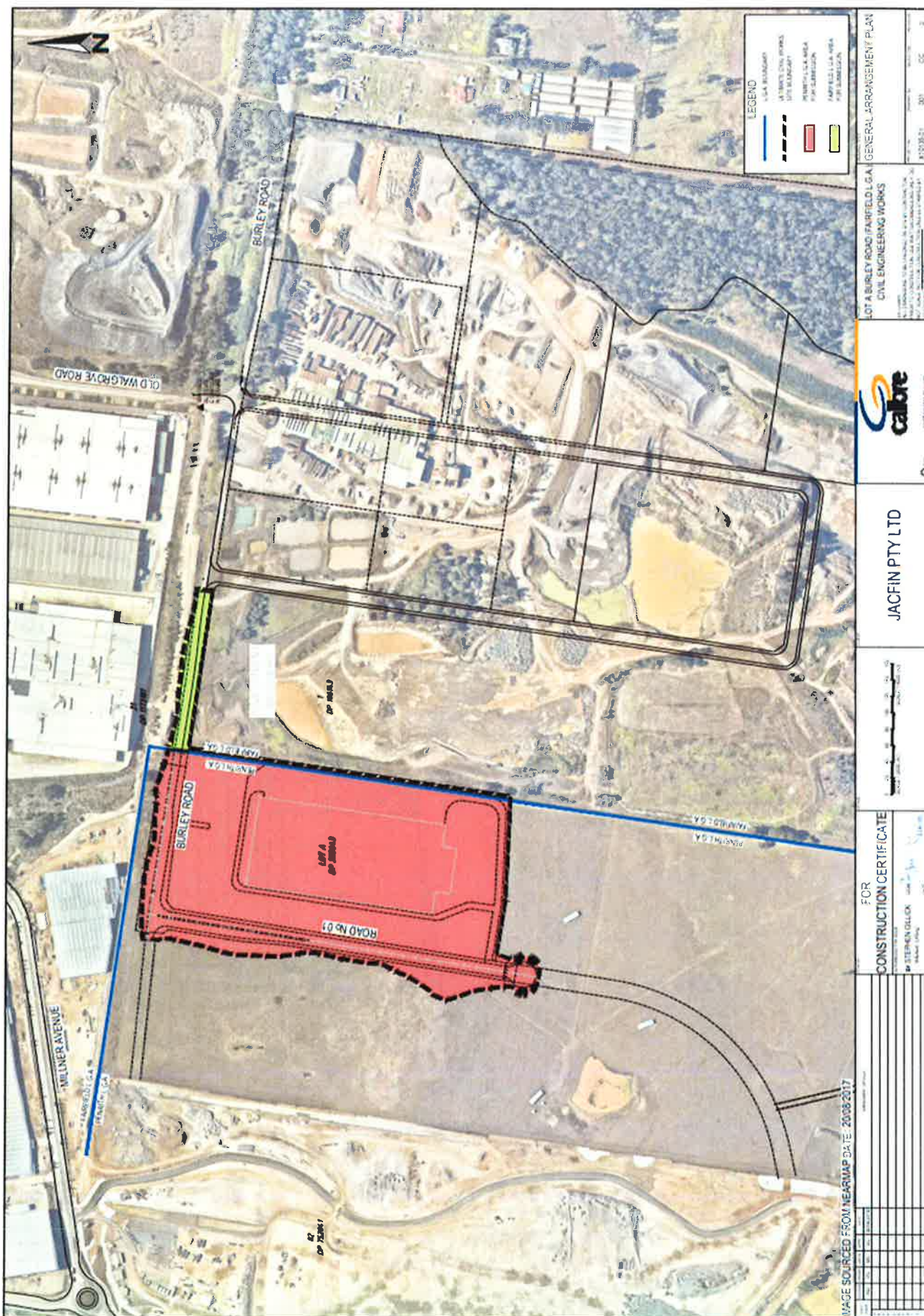


JACIN PTY LTD

HORSEY PARK
EMPLOYMENT PRECINCT
LOT 4 BURLEY ROAD

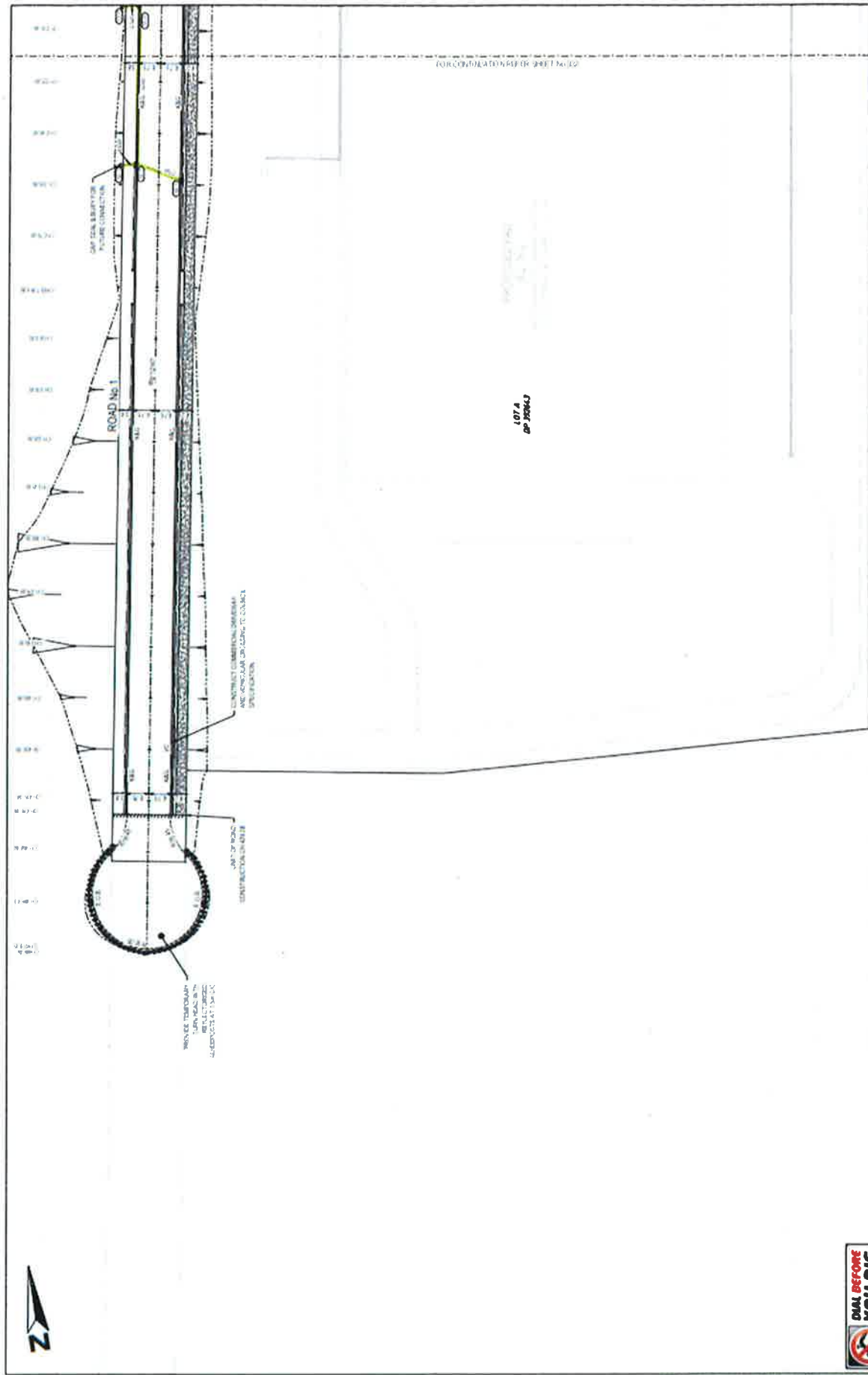
HORSEY PARK BUILDING 1

1024 ARDA
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LOT 4 BURLY ROAD / PARFED LGA
 CIVIL ENGINEERING WORKS
 ENGINEERING PLAN
 2017


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CP 1000



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10:30	Math	100	100	100
10:45	Math	100	100	100
11:00	Math	100	100	100
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FOR
CONSTRUCTION CERTIFICATE

STEWART GALLON 1000 12/10/00



JACFIN PTY LTD

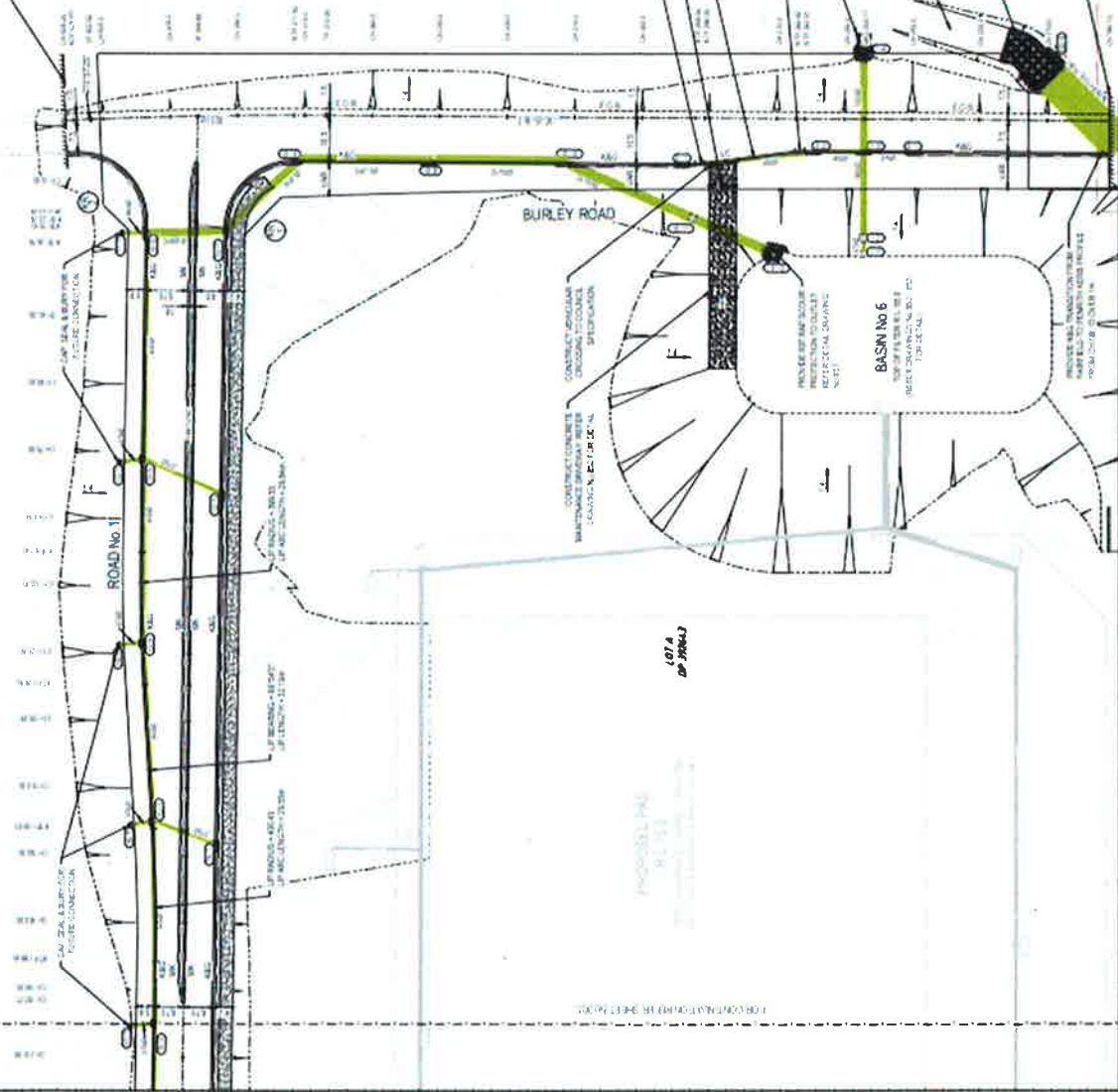


LOT 4 BURLEY ROAD, PENRITH, N.S.W. 2150
CIVIL ENGINEERING WORKS

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1:1000



ENGINEERING PLAN 02 OF 02

LOT 4 BURLEY ROAD (PENRITH) LG A
CIVIL ENGINEERING WORKS



JACFIN PTY LTD

FOR
CONSTRUCTION CERTIFICATE

DATE	10/10/2023
PROJECT	LOT 4 BURLEY ROAD (PENRITH) LG A
DESIGNER	STEPHAN ELLIOTT
CHECKED	STEPHAN ELLIOTT
DATE	10/10/2023

