

Notice of Modification

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the section 75W modification of the Concept Plan referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 5 MARCH

2015

SCHEDULE 1

Concept Plan Approval:

09_0099

Proponent:

Afteron Pty Ltd

For the following:

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.

On land comprising:

Lot 1 DP 1040948

Modification:

09_0099 MOD 3:

- deletion of the subdivision of the site;
- revised site layout including a reduction in building development sites to 3 industrial sites and associated changes to the internal road;
- reduction in the building setback to internal roads;
- reposition the Wallgrove Road intersection 40 m south;
- redesign of on-site stormwater detention system;
- amendments to the noise assessment requirement; and
- amendments to Statement of Commitments 1, 3, 13A, 14, 15, 17 and 18; and
- amendments to the definitions.

SCHEDULE 2

1. In schedules 2 and 3, delete all references to 'Director-General' and replace with 'Secretary'.
2. In schedule 2 and 3, delete all references to 'Department of Planning' and replace with 'Department of Planning and Environment'.
3. In schedule 2 and 3, delete all references to 'DECCW – Department of Environment, Climate Change and Water' and replace with 'OEH – Office of Environment and Heritage'.
4. Insert the following definitions in Schedule 2 in alphabetical order:

RMS

Roads and Maritime Services

5. With the exception of Term 1A, in schedule 1 delete all references to 'Afteron Pty Ltd' and replace with 'Mirvac Capital Pty Limited and Mirvac Commercial Sub SPV Pty Limited ('Mirvac')'.
6. In Schedule 2, delete Term 1 and replace it with the following:

1. Concept plan approval is granted for:
 - (a) bulk earthworks across the site;
 - (b) 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:
 - i. 65% site coverage for each lot;
 - ii. building heights up to 20 m;
 - iii. an eastern detention basin generally where located on the Concept Masterplan (see Appendix 1);
 - iv. a western underground stormwater storage tank generally where located on the Concept Masterplan (see Appendix 1);
 - v. 10 m minimum landscaped setbacks, with 20 m to the Wallgrove Road and M4 boundaries;
 - vi. 23 m reserve for internal roads;
 - vii. 24 hour operations, 7 days a week; and
 - (c) 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)

7. In Schedule 2, delete Term 1A and replace it with the following:
 - 1A. The project shall be undertaken generally in accordance with the following plans and documents:
 - (a) The plan showing the indicative layout of the concept plan, as attached at Appendix 1 to this approval, and as described in the Environmental Assessment report prepared by Afteron Pty Limited, dated December 2009;

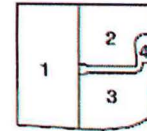
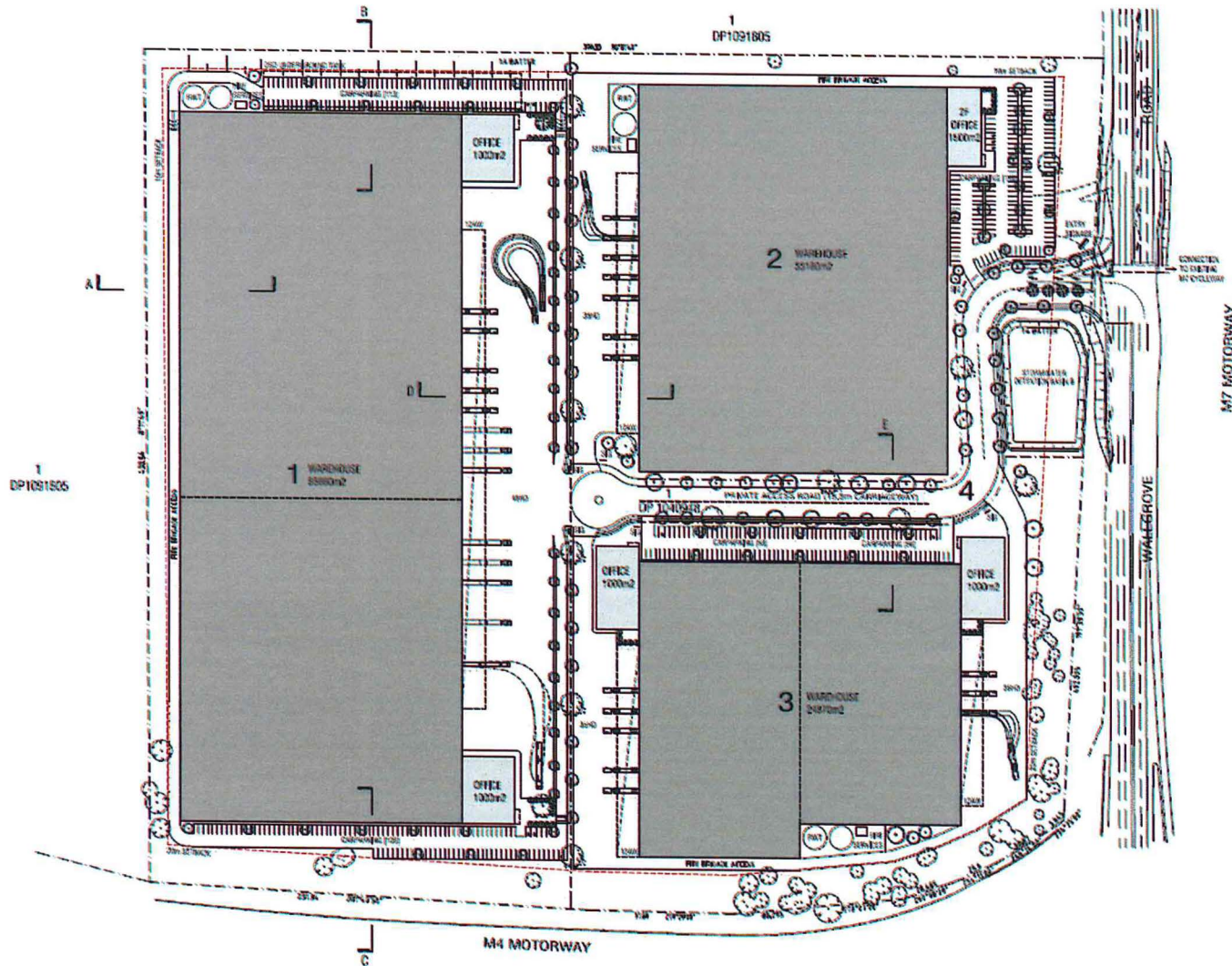
- (b) Section 75W Modification Application, Minchinbury Employment Park prepared by Urbis on behalf of Afteron Pty Ltd, dated 2 May 2011 (MP09_0099 MOD1);
 - (c) Section 75W Modification Application, Minchinbury Employment Park prepared by McKenzie Group on behalf of Afteron Pty Ltd, dated October 2013 (MP09_0099 MOD 2); and
 - (d) Section 75W Modification Application, Minchinbury Employment Park prepared by JBA Urban Planning Consultants on behalf of Mirvac, dated October 2014 (MP09_0099 MOD 3).
8. In Schedule 2, Term 2, delete the words 'at least three month prior to a Project Approval being lodged' and replace with the following 'Prior to the lodgement of the first development application for the first building, or as otherwise agreed to by the Secretary'.
9. In Schedule 3, delete Term 10 and replace it with the following:
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:
 - i. consideration of the height, bulk and scale of the proposed buildings;
 - ii. details of building design excellence, to reduce visual impacts along the sites frontage to the M4, M7, Wallgrove Road and the north-western corner of the site;
 - iii. an assessment of compliance with the Building Code of Australia;
 - iv. water and energy requirements and opportunities for incorporating efficiency measures;
 - (d) design details of the stormwater management system including:
 - i. detailed hydrological modelling for the detention basins and consideration of the installation of a multi-stage outlet to constrain the range of flows to pre-development levels;
 - ii. details of the site drainage system including how run off from upstream catchments will be managed along with the identification of drainage flow paths;
 - iii. identification of water stability targets for each catchment;
 - (e) satisfactory arrangements for local and regional infrastructure;
 - (f) a detailed infrastructure plan for the provision of the following:
 - i. water supply, sewer, gas, electricity, telecommunications services;
 - ii. fire-fighting services, including the location and design of fire access roads;
 - iii. external lighting;
 - iv. stormwater management, providing justification for the approached outlined in the EA and details of the ongoing ownership, management and maintenance regime for the stormwater scheme, to be development in consultation with the Council;
 - v. any regional rainwater harvesting infrastructure;
 - vi. parking and access, including bicycle facilities;
 - vii. details demonstrating that the design of the internal roads is consistent with the relevant Council engineering standards;
 - (g) 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;

- (h) a detailed landscape plan using predominantly endemic species and details of the areas to be landscaped, including the location and species for all plantings. The landscape plan should address visual impacts from sensitive receivers and detail how impacts have been mitigated via landscaping.
- (i) a description of the measures that would be implemented to:
 - i. monitor and maintain the infrastructure and landscaping on site over time;
 - ii. minimise energy and water use on site;
 - iii. avoid, minimise, reuse and recycle waste;
- (j) 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 would comply with the relevant project specific noise levels established under the *NSW Industrial Noise Policy* for the site.
- (k) an assessment of soil and groundwater salinity;
- (l) a flood assessment;
- (m) a greenhouse gas assessment;
- (n) a traffic assessment of the proposed development prepared in accordance with the RMS's Guide to Traffic Generating Developments including:
 - i. demonstration that an adequate number of car spaces can be provided as per the guidelines;
 - ii. an assessment of the number of vehicles to be generated by the proposed development;
 - iii. identification of transport routes to be utilised by traffic generated by the proposed development;
 - iv. demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network; and
 - v. measures to increase non car travel, such as cycling and public transport;
- (o) detail the measures that will be implemented to ensure there is limited interaction between car and truck movements on the site;
- (p) demonstration that car spaces are to be designed in accordance with the relevant Australian Standard;
- (q) an air quality assessment of the proposed development;
- (r) a hazard assessment in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) and *Applying SEPP 33* (DUAP, 1994);
- (s) a construction management plan, containing a:
 - i. noise and dust management plan;
 - ii. soil and water management plan, prepared in accordance with the latest Landcom's *Managing Urban Stormwater: Soils and Construction* edition;
 - iii. traffic management plan; and
 - iv. waste management plan.

- 10. Delete Appendix 1 – Indicative Layout of the Concept Plan and replace with new Appendix 1 – Indicative Layout of the Concept Plan, as attached.
- 11. Delete Appendix 2 – Statement of Commitments and replace with new Appendix - Statement of Commitments, as attached.

APPENDIX 1 INDICATIVE LAYOUT OF THE CONCEPT PLAN



OVERALL DEVELOPMENT DATA	
LOT 1 Site Area	93,797 m ²
LOT 2 Site Area	53,879 m ²
LOT 3 Site Area	53,149 m ²
LOT 4 Site Area	12,734 m ²
Total Site Area (approx.)	219,559 m ²
Total Office Area	5,500 m ²
Total Warehouse Area	173,270 m ²
Total Building Area	178,770 m ²

LOT 1	
Site Area	93,797 m ²
Office	2,500 m ²
Warehouse	55,180 m ²
Total Building Area	57,680 m ²
Carpark Provision	213

LOT 2	
Site Area	53,879 m ²
Office	1,500 m ²
Warehouse	33,180 m ²
Total Building Area	34,680 m ²
Carpark Provision	142

LOT 3	
Site Area	53,149 m ²
Office	2,000 m ²
Warehouse	24,870 m ²
Total Building Area	26,870 m ²
Carpark Provision	114

LEGEND
 GW: GROUND WATER
 HZ: HEAVY DUTY PAVEMENT
 SL: SLURRY WALL
 RW: RETAINING WALL
 FN: FENCE



EASTERN CREEK
 60 WALLGROVE ROAD, EASTERN CREEK, NSW



www.mirvac.com.au
 TOLLFREE 1800 000 000
 1800 000 000



SITEPLAN

Drawn: TT
 Date: 01/01/2014
 ECR_MP110
 Scale: 1:10000
 Date: 01/01/2014
 Scale: 1:10000

APPENDIX 2
STATEMENT OF COMMITMENTS

No.	What	Commitment	Who	When
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 September 2014). 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 outlines 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 outlines in the Sustainability Report contained in Appendix J to this report.</p>	Mirvac & successors in title, future developers .	Ongoing
2	Commitment to minimise harm to the environment	<p>2.1 Minimise Harm to the Environment Mirvac 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>	Mirvac & successors in title, future developers	Ongoing
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,</p>	Mirvac & successors in title, future developers .	<p>Phase 2 Environmental Site Assessment shall be submitted as part of the first development application for the first building.</p> <p>Where remediation is warranted, RAP's to be submitted for consent authority approval, and measures to be implemented prior to the commencement of construction in those areas identified as warranting remediation.</p>

		<p>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 in those areas identified as warranting remediation.</p>		
4	Waste Management	<p>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.</p>	Mirvac & successors in title, future developers	Prior to works commencing
5	Construction Impacts upon Adjoining Land	<p>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 owner.</p>	Mirvac & successors in title, future developers	During construction
6	Biodiversity	<p>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 OEH</p>	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.	Mirvac & 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 6pm 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 border="1"><tr><td>Receiver</td><td>Daytime (dBA)</td><td>Night (dBA)</td></tr><tr><td>Eskdale Street</td><td>54</td><td>43</td></tr><tr><td>Pikes Lane</td><td>48</td><td>44</td></tr><tr><td>Cemetery – Oaks 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 Street	54	43	Pikes Lane	48	44	Cemetery – Oaks Drive	50	N/A	Cemetery – Melville Drive	50	N/A	Future developers and site occupants	During construction and ongoing
Receiver	Daytime (dBA)	Night (dBA)																	
Eskdale Street	54	43																	
Pikes Lane	48	44																	
Cemetery – Oaks Drive	50	N/A																	
Cemetery – Melville Drive	50	N/A																	
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															
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➤ investigations 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	Future developers & site occupants	In documentation of future development and ongoing															

		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.		
11	Building Design	11.1 Sustainability Report Sustainable building design shall be considered during the development/project application stages. 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
12	Provision of water, sewer, electricity, and telecommunication services to the 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.	Mirvac & 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 	Mirvac & successors in title, future developers	Signals to be operational prior to occupation of the first new building on the site.
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 and be in place prior to works commencing.	Mirvac & successors in title, future developers .	Aboriginal Heritage Management Strategy to be agreed with the Office of Environment and Heritage prior to demolition and excavation works commencing.
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 of the Minchinbury Employment Park Environmental Assessment (December 2009). This shall include archaeological recording and assessment and the making of appropriate recommendations regarding removal (where required). Relics can be removed in	Mirvac & successors in title, future developers .	The assessment shall be prepared to the satisfaction of NSW Heritage Office (DoP) prior to demolition and excavation works commencing in areas identified as Area A

		accordance with statutory requirements and approvals (where required).		or Area B as illustrated in Figure 44 of the Heritage and European Archaeological Assessment, prepared by Cityplan Heritage (March 2009).
		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 of the Minchinbury Employment Park Environmental Assessment (December 2009)). Recommendations of the Strategy to be implemented.	Mirvac & successors in title, future developers .	Survey assessments and strategy to be agreed by NSW Heritage Office (DoP) prior to demolition and excavation works commencing
		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.	Mirvac & successors in title, future developers .	Survey assessments and strategy to be agreed by NSW Heritage Office (DoP) prior to demolition and excavation works commencing
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.	Mirvac & 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 Make provision for cyclists to cross Wallgrove Road and construct a connection to the existing shared path running along the M7 corridor. 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.	Mirvac & successors in title	Details of the design of the connection shall be provided with the first development application for the first building. The connection shall be constructed prior to the occupation of buildings.
18	Dedicate communal drainage infrastructure to Council	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.	Mirvac & successors in title	Simultaneously with the Issue of a Subdivision Certificate
19	Regional Rainwater Harvesting Scheme	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	Mirvac & successors in title, Future developers	Prior to submission of development / project application for infrastructure and public domain works

		collection system and on-site storage reservoirs to be constructed at the same time as individual developments occur)		
20	Signage Strategy	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.	Future developers	Prior to release of the first Occupation Certificate or subdivision certificate, whichever occurs first