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Date 11 December 2014 Confidential Email
From Bill McCredie
To **Department of Planning & Environment, Sydney**
Email information@planning.nsw.gov.au

The Secretary

**Draft Voluntary Planning Agreement - Oakdale Central and Oakdale South, Horsley Park
Submission on behalf of Jacfin Pty Ltd**

Attach

Our Ref QNMS:206086420:206086420

qnms A0131599326v1 206086420 11.12.2014

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11 December 2014

The Secretary
Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

By submission via online form

The Secretary

**Draft Voluntary Planning Agreement - Oakdale Central and Oakdale South, Horsley Park
Submission on behalf of Jacfin Pty Ltd**

We act for Jacfin Pty Ltd (**Jacfin**).

This submission is made on behalf of Jacfin in response to the public exhibition of the draft voluntary planning agreement between the Minister for Planning, Goodman Property Services (Aust) Pty Ltd, BGAI 6 Pty Ltd, BGMG 8 Pty Ltd and BGAI 2 Pty Ltd in connection with the proposed development at Oakdale Central and Oakdale South, Horsley Park (**Draft Oakdale VPA**).

Background

Jacfin is a long-term landowner with interests in the Eastern Creek, Ropes Creek and Horsley Park areas. Jacfin has been granted:

- Concept Plan Approval (MP10_0129) for the Jacfin Horsley Park Project, being a distribution park of warehouses, distribution centres, light industries and associated infrastructure, on land described as Lot A DP 392643 (**Horsley Park Project**) with an area of approximately 100 hectares;
- Project Approval (MP10_0130) for the subdivision and development of Stage 1 of the Horsley Park Project;
- Concept Plan Approval (MP10_0127) for the Jacfin Ropes Creek Project, being a distribution park of warehouses, distribution centres, light industry and associated infrastructure, on land described as Lot 121 DP 1175762 and part Lot 15 DP 1157491 (**Ropes Creek Project**) with an area in excess of 90 hectares; and
- Project Approval (MP10_0128) for the subdivision and development of Stage 1 of the Ropes Creek Project.

As a party to existing voluntary planning agreements with the Minister for the provision of contributions towards regional transport infrastructure, Jacfin is an interested person in respect of the proper and equitable administration of monetary contributions, works-in-kind and land contributions towards regional transport infrastructure for the development of the Western Sydney Employment Area.

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In this regard it assists to have some understanding of the proximity of the Oakdale Central and Oakdale South projects to the areas under development by Jacfin:

- the Horsley Park Project is located to the south of the Oakdale Central Project and to the east of the Oakdale South project with which it has a common boundary; and
- the Ropes Creek Project is located to the north of the Oakdale Central Project.

Jacfin is, and will continue to be, a substantial contributor by way of monetary contributions, works in-kind contributions and land dedication, towards the provision of the regional road network that has been adopted by the State pursuant to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*.

Regional Road Network – Red Road

The Concept Plan for the Ropes Creek Project approved by the Minister incorporates a regional road running generally north to south-east through the Ropes Creek Project site to connect with Old Wallgrove Road at the north-east corner of the Oakdale Central site.

The regional road incorporated into the Concept Approval for the Ropes Creek Project is consistent with the alignment for a regional road in the WSEA SEPP Transport and Arterial Road Infrastructure Plan Map (*WSEA Transport Map*).

The alignment is also consistent with the draft Structure Plan for the Broader Western Sydney Employment Area.

That regional road is depicted in red on the **attached** maps (**Red Road**), which are included on pages 71 and 75 of the Draft Oakdale VPA.

Jacfin advises that the construction of the Red Road by Jacfin has previously been agreed with the Department of Planning and Environment, including the intersection with Old Wallgrove Road, within the timing indicated by the Department.

Jacfin has accordingly commissioned and received design plans for the construction of the Red Road in accordance with the Concept Plan. Those plans have been submitted to Roads and Maritime Services (**RMS**) for review, and Jacfin and RMS are negotiating the works authorisation deed for the Red Road.

Proposed Old Wallgrove Road Upgrade – Green Road

The Draft Oakdale VPA provides that the Minister has approved the WIK Proposal for the 'OWR Upgrade Contribution' (see clause 4.4(j)), being the upgrade of Old Wallgrove Road as depicted in the drawings at Annexure B.

The drawings at Annexure B include the map attached to this letter, showing the Red Road and the proposed upgrade to Old Wallgrove Road in green (**Green Road**).

The Green Road in the drawings does **not** include the construction of the proposed intersection with the Red Road, and therefore fails to provide for a future proposed connection to the Red Road. It is submitted that a poor planning outcome inevitably results if the Green Road is permitted to be developed without making appropriate provision for the construction of the intersection with the Red Road, as duplication of works and construction inefficiencies result.

The Green Road north of the water pipelines does not serve as a regional road. Rather, the road works to the north of the water pipelines is an augmentation of a local road. Local upgrades to the Old Wallgrove Road were an offsite works requirement of the conditions imposed by the Minister on the Concept Plan for Oakdale Central. It does not appear that the draft Oakdale VPA distinguishes between works required offsite under conditions of approval and works for which regional contribution credits are now being sought. It is submitted that the Minister should seek confirmation that no 'double-dipping' can occur in this regard.

Furthermore, the Draft Oakdale VPA has been exhibited in advance of the lodgement and exhibition of any application for development in Oakdale South. Accordingly it is not presently possible to assess the extent to which the proposed roadworks are likely to be sufficient to accommodate the demand generated by the proposed development.

Jacfin submits that the Minister should seek confirmation as to the adequacy of the proposed roadworks once the development application has been made, and not be drawn to execute the VPA prematurely.

Our client reserves the right to make further submission to the Minister concerning the contributions arrangements once information regarding the Oakdale South project is made publicly available.

The Draft Oakdale VPA provides that the Estimated WIK Costs for the OWR Upgrade Contribution are \$15,439,075 (with a Maximum WIK Value \$20,795,484)(Annexure B) and allows the developers to offset the costs incurred to construct the OWR Upgrade Contribution against future monetary contributions for the provision of **regional** road infrastructure in the WSEA it is liable to pay for the development of Oakdale Central and Oakdale South.

Jacfin submits that it is inappropriate to credit the OWR Upgrade Contribution against future contributions for **regional** road infrastructure in the WSEA for that part of the Green Road that does not form part of the regional network. The developers should only be permitted to offset the OWR Upgrade Contribution for that part of the Green Road which aligns with the proposed **regional** road network (i.e. as is proposed south of the water pipelines).

To credit works-in-kind for local roads, as is proposed under the Draft Oakdale VPA (to the extent it relates to the Green Road north of the water pipelines), effectively diverts funds from the provision of regional infrastructure that will be ultimately left to the State (and additional calls for revenue) to fund.

Accordingly, Jacfin submits that the Minister should **not** be satisfied that the Draft Oakdale VPA appropriately provides for the provision of regional infrastructure, and should **not** agree to arrangements which credit works-in-kind contributions to local roads that will not be incorporated into the regional network.

Road Layout – Annexure A

The Draft Oakdale VPA incorporates a proposed subdivision plan at Annexure A. The proposed subdivision plan identifies two cul-de-sacs for internal subdivision roads located on the boundary of our client's property that is being developed for the Horsley Park Project. The Concept Plan for the Horsley Park Project provides for an internal road within our client's property which meets the boundary with the Oakdale South property at a different location. We are informed this location was a matter of previous discussion and agreement between the Department, Jacfin and Goodman, and our client considers that the internal road now proposed for Oakdale South should appropriately meet the location for the road connection under its approved Concept Plan.

Therefore, Jacfin submits that the Minister should require the provision of an amended subdivision plan which provides sensibly for the proposed internal subdivision road within Oakdale South to meet the approved road in the Jacfin Horsley Park Project at the boundary.

The road layout for the approved Horsley Park Project has been publicly available from the Department's major project approvals register, and should be taken into account in the design of the Oakdale South project to provide for a collector road which will loop within both the Oakdale South and Horsley Park Project properties.

It is a matter of considerable importance that a proper loop collector road is provided servicing both the Oakdale South and Horsley Park Project to ensure that a second point of access to the regional road network is available in the event of an emergency incident that may block access to the regional network from within either property.

Conclusion

Jacfin submits:

- 1 The proposed works-in-kind contribution towards the Old Wallgrove Road Upgrade should only be recognised for regional infrastructure contributions for that part of the works which align with the Red Road.

Jacfin submits that it is inappropriate to recognise as a contribution towards regional infrastructure the upgrade of a local road that is not a part of the regional road network for the area as determined under the applicable SEPP.

Ultimately, the recognition of the value of works to local infrastructure will divert resources that would otherwise have been available for the delivery of regional infrastructure. Jacfin submits that the Draft Oakdale VPA should be amended prior to its acceptance by the Minister so that only contributions which genuinely deliver regional infrastructure are recognised.

To the extent that upgrades to local infrastructure are required or are desirable for the development of the Oakdale Central or Oakdale South projects, those obligations should be a matter left for recognition by local government as relevant contributions.

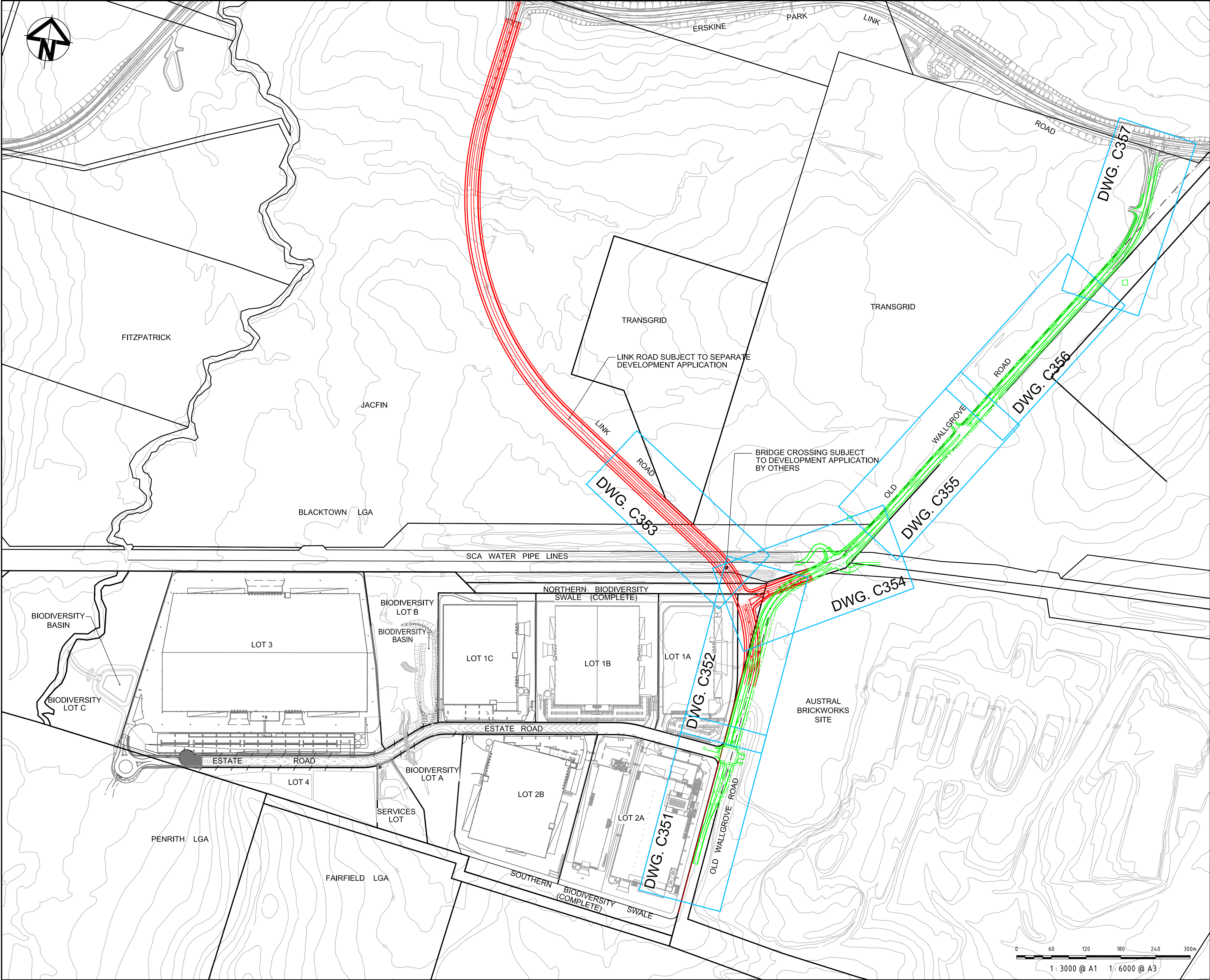
- 2 The Minister should require an amended subdivision plan be included in the draft Oakdale VPA which provides for the proposed internal roads to meet at the boundary the approved road under the Horsley Park Project concept plan.

Our client reserves the right to make further submissions once the development application for the Oakdale South project is made publicly available.

Yours sincerely

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Attach



E	STATE SIGNIFICANT DEVELOPMENT APPLICATION	08-08-14
D	RSA ISSUE	07-08-14
C	STATE SIGNIFICANT DEVELOPMENT APPLICATION	06-02-14
B	STATE SIGNIFICANT DEVELOPMENT APPLICATION	21-10-13
A	ISSUED FOR CLIENT REVIEW	11-10-13

Issue	Description	Date
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Status	FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION	A1
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Scales	1 : 3000 @ A1	Drawn JB	
		Designed MM	
Height Datum	AHD	Checked MM	
Grid	MGA	Approved	

File: C350.dwg



Civil Engineers and Project Managers

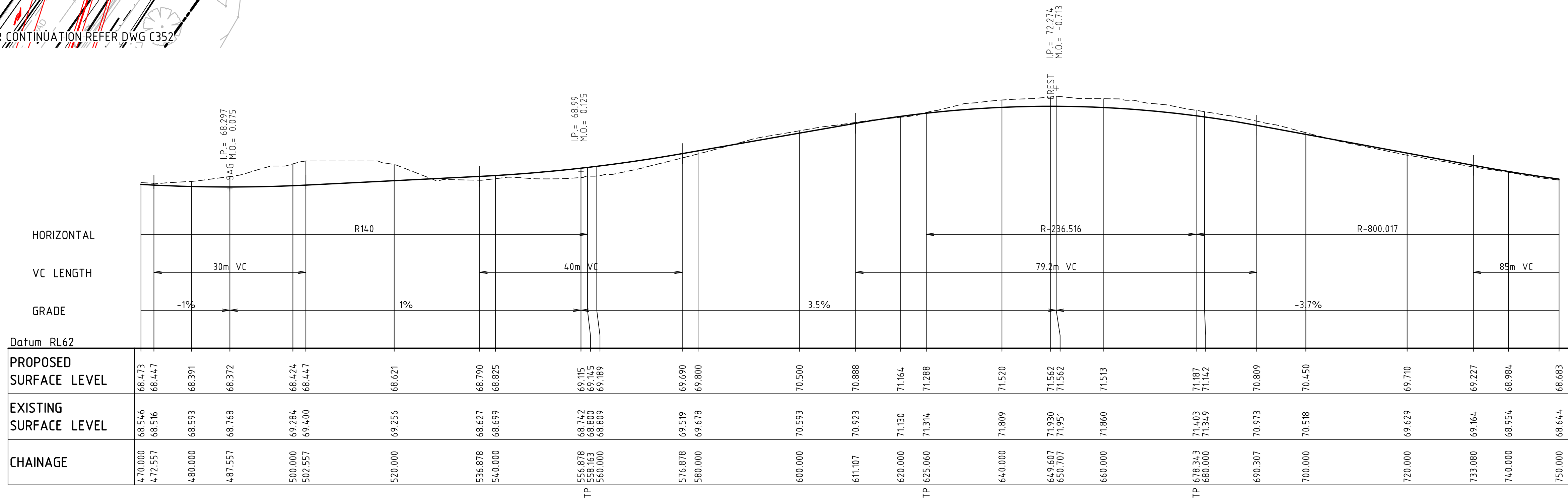
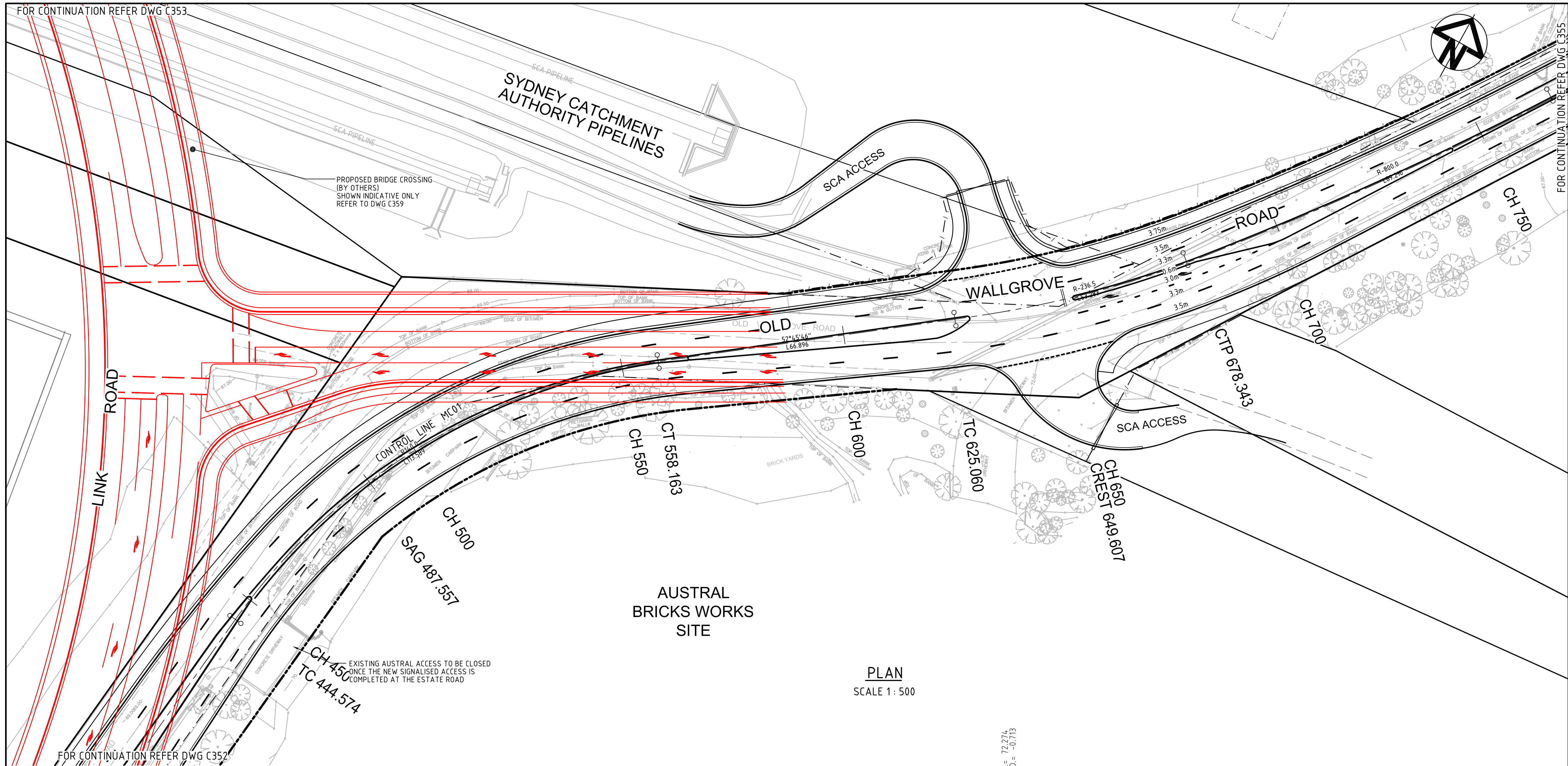


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Project
**OAKDALE CENTRAL
INDUSTRIAL FACILITIES
LOTS 1C, 2B, 3A, 3B**

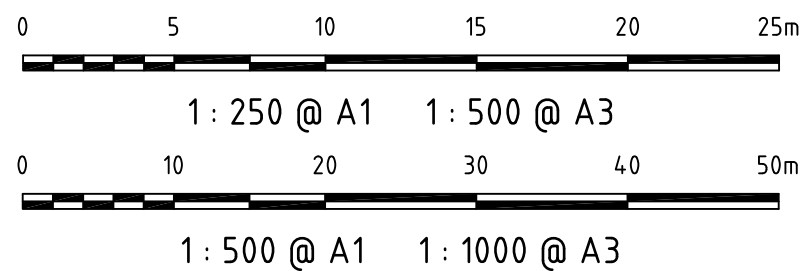
Title
**OLD WALLGROVE
ROAD UPGRADE
GENERAL ARRANGEMENT
PLAN**

Drawing No. C350	Project No. 13-143	Issue E
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CONTROL LINE MC01 LONGITUDINAL SECTION

SCALE 1:500 HORI.
1:100 VERT.



Issue	Description	Date
E	STATE SIGNIFICANT DEVELOPMENT APPLICATION	08-08-14
D	RSA ISSUE	07-08-14
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		Designed MM		
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Grid	MGA	Approved		

File:	C354.dwg
Client	

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Project

OAKDALE CENTRAL
INDUSTRIAL FACILITIES
LOTS 1C, 2B, 3A, 3B

Title

OLD WALLGROVE ROAD
PLAN AND
LONGITUDINAL SECTION
SHEET 4

Drawing No.	Project No.	Issue
C354	13-143	E