

# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

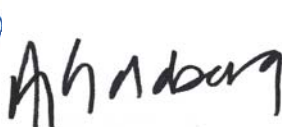
Under the Minister for Planning and Infrastructure's delegation of 14 September 2011, the Planning Assessment Commission of New South Wales approves the project application referred to in Schedule 1, subject to the Conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Project.



Member of the Commission



Member of the Commission



Member of the Commission

Sydney

28 October 2013

### SCHEDULE 1

<b>Application No:</b>	10_0130
<b>Proponent:</b>	Jacfin Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot A DP 392643
<b>Project:</b>	Jacfin Horsley Park Project (Stage 1) for the subdivision of Lot A DP 392643 to create Lots 100 and 101 DP 392643 (see subdivision plan in Appendix 2) and development of warehousing, light industry and distribution on Lot 100.

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## DEFINITIONS

ARI	Average Recurrence Interval
BCA	Building Code of Australia
Blue Book Volume 1	<i>Managing Urban Stormwater: Soils and Construction Volume 1 4<sup>th</sup> Edition (Landcom 2004)</i>
Construction	The demolition of buildings or works, carrying out of works, including bulk earthworks and erection of buildings and other infrastructure covered by this approval
Council	Penrith City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or nominee)
EA	Environmental Assessment titled <i>Lot A Burley Road, Horsley Park Industrial Estate Concept Plan &amp; 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 &amp; Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval
Land	In general, the definition of land is consistent with the definition in the EP&A Act
LGA	Local government area
Local Road 1	Local Road 1 to be constructed as part of Stage 1 as generally described in the PPR and shown in Appendix 2
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning and Infrastructure
Mitigation	Activities associated with reducing the impacts of the Project
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PPR	Preferred Project Report titled <i>Lot A Burley Road, Horsley Park Concept Plan &amp; Concurrent Project Application for Employment Lands and Stage 1 Industrial Development</i> dated August 2012, prepared by JBA Urban Planning Consultants Pty Ltd
Privately-owned Land	Land not owned by the Proponent or where a private agreement does not exist between the Proponent and the land owner
Project	The development described in the EA, as generally depicted in Appendix 2
Proponent	Jacfin Pty Ltd, or its successor
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Regional Road 1	Regional Road 1 to be constructed as part of Stage 1 as generally described in the PPR and shown in Appendix 2 whose final alignment is determined under Condition 7 in Schedule 3 of this approval
RL	Raised level
RMS	Roads and Maritime Services
Site	The land listed in Schedule 1
SLRN	The Southern Link Road Network
Stage 1 Project Application	Project Application 10_0130 for the Jacfin Horsley Park Project (Stage 1) for the development of warehousing, light industry and distribution on Lot 100 DP 392643.
Statement of Commitments	The Proponent's Statement of Commitments in Appendix 1

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the project.

### **TERMS OF APPROVAL**

2. The Proponent shall carry out the project generally in accordance with the:
  - (a) EA;
  - (b) PPR;
  - (c) Statement of Commitments (see Appendix 1);
  - (d) Site plans (see Appendix 2); and
  - (e) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of any inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

### **LIMITS ON APPROVAL**

5. The area of Warehouse Building 1 shall not exceed 27,330m<sup>2</sup>.

### **LIABILITY TO LAPSE**

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 95 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.

### **STRUCTURAL ADEQUACY**

7. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

#### *Notes:*

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

8. The Proponent shall:
  - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

### **OPERATION OF PLANT AND EQUIPMENT**

9. The Proponent shall ensure that all plant and equipment used for the project is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### **SUBMISSION OF PLANS OR PROGRAMS**

10. With the approval of the Director-General, the Proponent may:
  - (a) submit any strategy, plan or program required by this approval on a progressive basis; and/or
  - (b) combine any strategy, plan or program required by this approval.

## **INFRASTRUCTURE SERVICES**

11. Prior to the construction of utility works, the Proponent shall obtain all relevant approvals from service providers.
12. Prior to the construction of utility works, the Proponent shall obtain a compliance certificate for water and sewerage infrastructure servicing of the site under Section 73 of the *Sydney Water Act 1994* from Sydney Water Corporation.

## **INFRASTRUCTURE CONTRIBUTIONS**

13. The Proponent shall enter into a voluntary planning agreement in accordance with the letter of offer dated 18 July 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 93G of the EP&A Act.
14. Notwithstanding any other condition/s in this approval, a construction certificate or subdivision certificate cannot be issued unless the certifier is satisfied that the planning agreement referred in Condition 13 (above) of this Schedule has been entered into.

## **SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS**

### **SOIL AND WATER**

#### **Discharge Limits**

1. The Proponent shall ensure that any (all) licensed surface water discharges from the site comply with the discharge limits (volume and quality) set for the development in any EPL or relevant provisions of the POEO Act.

#### **Bunding**

2. The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

#### **Erosion and Sediment Control**

3. During the construction of the project, the Proponent shall implement suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline*.

#### **Contamination Management**

4. The Proponent shall undertake a Phase 2 contamination investigation of Lot 100 DP 392643 prior to the commencement of construction and, if found not to be suitable for the proposed use, shall prepare and implement a Contamination Management Plan for the project to the satisfaction of the Director-General. This plan must:
  - (a) be prepared in consultation with Council and the EPA by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (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 is encountered during construction;
  - (e) detail how contaminated soil will be tested, handled and stockpiled;
  - (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*.

*Note: If the Phase 2 contamination investigation concludes that the site is suitable for the proposed use for Stage 1, a contamination management plan is not required.*

#### **Stormwater Management**

5. The Proponent shall prepare and implement a Stormwater and Drainage Management Plan for the project to the satisfaction of the Director-General. This plan must:
  - (a) be prepared in consultation with Council, SCA and NOW by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) be prepared in accordance with OEH's *Managing Urban Stormwater Guidelines*, the conceptual design in the EA/PPR, applicable Australian Standards and industry standard best practice guidelines;
  - (d) include a stormwater drainage plan, including hydraulic calculations based on a 1 in 100 ARI;
  - (e) include details of all proposed stormwater, treatment and control infrastructure, and any stormwater outlets;
  - (f) ensure that plantings within detention basin no. 6 are complementary to the native plant species in the riparian corridor (E2 zone) located on site;
  - (g) detail how surface water flows would be restricted to pre-development rates or less;
  - (h) include surface water impact assessment criteria including trigger levels for investigating adverse impacts and implementing mitigation measures;
  - (i) include protocols for the investigation and implementation of mitigation measures for identified exceedances of the surface water impact assessment criteria;
  - (j) include a program to monitor stormwater quantity and quality; and
  - (k) describe the measures that would be implemented to maintain this infrastructure during the life of the project.

## TRAFFIC AND TRANSPORT

### Offsite Works

6. The Proponent is required to construct:
- (a) a temporary access road for construction purposes, prior to Regional Road 1 being constructed; and
  - (b) Regional Road 1, prior to the issue of an occupation certificate for Warehouse Building 1.

The Proponent must construct these roads to the satisfaction of the Director-General.

*Note: The detailed design specifications for these works are to be developed through Condition 7 of this Schedule.*

### Access Arrangements

7. The Proponent shall submit to the satisfaction of the Director-General, prior to the commencement of construction for any development on-site, final detailed plans and drawings that have been prepared in consultation with the Director-General, Council, Fairfield City Council and RMS and endorsed by a suitably qualified expert, for:
- (a) temporary construction access arrangements before Regional Road 1 has been constructed;
  - (b) Regional Road 1; and
  - (c) Local Road 1.

The final detailed plans and drawings must be approved by the Director-General prior to the commencement of construction of any development on the site.

8. Prior to the issue of the occupation certificate for Warehouse Building 1, the Proponent must complete the construction of Regional Road 1 and Local Road 1 to the satisfaction of the Director-General.
9. The Proponent shall ensure that the design of Regional Road 1 is in accordance with AUSTROADS to accommodate B-triple trucks, the relevant Australian Codes of Practice and RMS Supplements.
10. If required by RMS, the Proponent shall enter into a Works Authorisation Deed with RMS for all works associated with the SLRN including the construction of Regional Road 1.
11. All road works associated with the project shall be undertaken at no cost to RMS, the Department, Council, Fairfield City Council or any other landowner.
12. All allotments fronting Regional Road 1 (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 Director-General, that there is to be no access to Regional Road 1 from the Boundary Lot/s. The ability to vary release of the Restriction must be in favour of the Minister or a public authority (e.g. RMS), as directed by the Director-General.

### Traffic Control

13. The Proponent shall ensure that suitable traffic control measures are in place for Stage 1 at the intersection of Local Road 1 and Regional Road 1 and to the satisfaction of RMS.

### Internal Roads, Queuing and Parking

14. The Proponent shall ensure that:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the project are constructed and maintained in accordance with the latest versions of AS 2890.1 and AS 2890.2;
  - (b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS;
  - (c) the project does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the project do not park or stand on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles enter and leave the site in a forward direction;
  - (f) all vehicles associated with the project are wholly contained on site before being required to stop;
  - (g) all loading and unloading of materials is carried out on site; and
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.
15. The Proponent shall provide parking at a rate of 135 sealed spaces on Lot 100 DP 392643.

16. The Proponent shall reserve an additional undeveloped area for 45 overflow car parking spaces on Lot 100 DP 392643. The additional 45 spaces shall be provided if required by the Proponent to service Warehouse Building 1 or at the Director-General's request.

### Bicycle Racks

17. The Proponent shall provide parking for bicycles and associated facilities such as change rooms.

### Work Place Travel

18. The Proponent shall prepare a Work Place Travel Plan for the project in consultation with Council and RMS to the satisfaction of the Director-General. The plan must:
- be prepared and implemented by a suitably qualified and experienced person;
  - be approved by the Director-General prior to commencement of operation;
  - 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.

### Traffic Management

19. The Proponent shall prepare and implement a Transport Management Plan for project in consultation with RMS and Council to the satisfaction of the Director-General. The plan must:
- be prepared and implemented by a suitably qualified and experienced person whose appointment has been approved by the Director-General;
  - be approved by the Director-General prior to commencement of construction;
  - detail the measures that would be implemented to ensure road safety and network efficiency during construction and operation including (but not limited to):
    - installation of signage and implementation of maximum speeds limits on internal roads; and
    - final details of the proposed traffic control measures.
  - include a plan showing the route to be used by heavy vehicles during construction and operation;
  - detail the access and parking arrangements for the site during construction and operation;
  - include a Driver Code of Conduct that details the traffic management measures to be implemented during construction and operation to:
    - minimise the impacts of the project on the local and regional road network;
    - minimise conflicts with other road users; and
    - ensure truck drivers use those routes specified in the EA/PPR.
  - describe the measures that will be implemented to ensure:
    - the nominated heavy vehicle route is used;
    - drivers adhere to the code of conduct; and
    - compliance with the relevant conditions of this approval.
  - include a program to monitor the effectiveness of these measures; and
  - if necessary, detail procedures for notifying residents of any potential disruptions to routes and access.

## NOISE

### Noise Criteria

20. The Proponent shall ensure that the noise generated by the operations on-site does not exceed the criteria in Table 1 any private residential receiver.

*Table 1: Noise impact assessment criteria dB(A)*

Receiver	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Amax</sub>
Any private residential receiver	35	35	35	46

- To identify a residential receiver location, refer to Appendix S of the EA.
- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.



## Operating Conditions

21. The Proponent shall:
- (a) implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the project;
  - (b) minimise the noise impacts of the project during adverse meteorological conditions when noise criteria do not apply;
  - (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
  - (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this approval.

## Operating Hours

22. The Proponent shall comply with the construction and operating hours detailed in Table 2 for the site, unless otherwise agreed in writing by the Director –General.

*Table 2: Construction and Operating Hours*

Activity	Day	Time
Construction	Monday - Friday	7.00am – 6.00pm
	Saturday	8.00am – 1.00pm
	Sunday and Public Holidays	Nil
Operation	All Days	24 hours

## Noise Management Plan

23. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the EPA and submitted to the Director-General for approval prior to the commencement of operations;
  - (b) describe the measures that would be implemented to ensure:
    - best mitigation and management practice is being employed;
    - the noise impacts of the project are minimised during adverse meteorological conditions; and
    - compliance with the relevant conditions of this approval.
  - (c) include a monitoring program that:
    - evaluates the performance of the project; and
    - includes a protocol for determining exceedances of the relevant criteria in this approval.

## AIR QUALITY

### Odour

24. The Proponent shall ensure the development does not cause or permit the emission of any offensive odour (as defined by the POEO Act).

### Dust Management

25. During construction, the Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project.
26. During construction, the Proponent shall ensure that:
- (a) all vehicles on site do not exceed a speed limit of 25 kilometres per hour;
  - (b) all loaded vehicles entering or leaving the site have their loads covered; and
  - (c) all loaded vehicles leaving the site are cleaned before they leave the site, to avoid tracking dirt or other materials onto public roads.

## Operating Conditions

27. The Proponent shall:
- (a) implement best management practice, including all reasonable and feasible dust and odour mitigation measures to prevent and minimise dust emissions from operations;
  - (b) prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
  - (c) minimise any visible off-site air pollution; and
  - (d) minimise surface disturbance of the site, other than as permitted under this approval.

## **WASTE**

### **Classification and Disposal**

28. The Proponent shall ensure that any waste generated on the site during construction and operations is classified in accordance with the EPA's *Waste Classification Guidelines* and disposed of to a facility that may lawfully accept the waste.

### **Management**

29. The Proponent shall prepare and implement a Waste Management Plan for the development to the satisfaction of the Director-General. This Plan shall:
- (a) be prepared in consultation with the EPA by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General;
  - (b) be approved by the Director-General prior to the commencement of operations;
  - (c) detail the type and quantity of waste to be generated by the operation of the project;
  - (d) detail the materials to be reused or recycled, either on or off-site; and
  - (e) detail the procedures for handling, storage, collection of recycling and disposal of waste.

## **HERITAGE**

30. Prior to the commencement of earthworks associated with the project, the Proponent must consult with local Aboriginal Community Representatives and give them an opportunity to collect any surface objects off the site, to the satisfaction of OEH.
31. The Proponent must ensure that any surface objects collected in accordance with Condition 31 of this Schedule are stored in a documented location chosen in consultation with local Aboriginal Community Representatives and the OEH.
32. Prior to the commencement of earthworks associated with Local Road 1, the Proponent must undertake test excavations of Potential Archaeological Deposits area No. 3, as identified in Appendix F of the EA. If significant archaeological deposits are found in this area, the Proponent must seek permission to salvage and store the objects from the OEH. The objects must be stored in a documented location chosen in consultation with local Aboriginal Community Representatives and the OEH.
33. Prior to the commencement of earthworks, the Proponent must prepare and implement:
- (a) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) including site identification, protection and conservation of Aboriginal and historic heritage; and
  - (b) procedures for dealing with heritage items including human remains, including cessation of works in the vicinity and notification of the Department, NSW Police Force (in the case of human remains), OEH and registered Aboriginal stakeholders and not recommencing any works in the area unless authorised by the NSW Police Force and/ or the Department.

## **VISUAL AMENITY**

### **Lighting**

34. The Proponent shall ensure that the lighting associated with the project:
- (a) complies with the latest version of *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Landscaping**

35. The Proponent shall prepare and implement a Landscaping and Vegetation Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with Council by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) detail the landscaping measures including vegetation that would be implemented to minimise the visual impact of the project, particularly from residences and public vantage points;
  - (d) ensure native plant species that emulate to local communities are used for landscaping with vegetation on site; and
  - (e) describe the on-going monitoring and maintenance scheme for landscaping and vegetation management on the site.

**Signage**

36. The Proponent shall not install any advertising signs on site without the written approval of the Director-General.

**BUSHFIRE RISK****Fire Management**

37. The Proponent shall:
- (a) implement suitable measures to minimise the risk of fire on site;
  - (b) extinguish any fires on site promptly; and
  - (c) maintain adequate fire-fighting capacity on site.

**SECURITY**

38. The Proponent shall:
- (a) install and maintain a perimeter security fence and security gates on the site; and
  - (b) ensure that the security gates on site are locked whenever the site is unattended.
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## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT, REPORTING & AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Construction Environmental Management Plan**

1. The Proponent shall prepare and implement a Construction Environmental Management Plan for the project to the satisfaction of the Director-General. The Plan must:
  - (a) be approved by the Director-General prior to the commencement of construction;
  - (b) identify the statutory consents and approvals that apply to the project;
  - (c) include a copy of all relevant management plans and monitoring programs relevant under this approval;
  - (d) outline all environmental management practices and procedures to be followed during construction works associated with the project;
  - (e) describe all activities to be undertaken on the site during construction of the project, including a clear indication of construction stages;
  - (f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (g) describe the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the project; and
  - (h) include arrangements for community consultation and complaints handling procedures during construction and demolition.

*Note: Construction of the project shall not commence until written approval of this plan has been received from the Director-General.*

#### **Operational Environmental Management Plan**

2. The Proponent shall prepare and implement an Operational Environmental Management Plan for the project to the satisfaction of the Director-General. This Plan must:
  - (a) be approved by the Director-General prior to the issue of an occupation certificate for Warehouse Building 1;
  - (b) provide the strategic framework for environmental management of the project;
  - (c) identify the statutory approvals that apply to the project;
  - (d) include a copy of all relevant management plans and monitoring programs relevant under this approval;
  - (e) outline all environmental management practices and procedures to be followed during operation;
  - (f) describe all activities to be undertaken on the site during operation;
  - (g) detail how the environmental performance of the operation of the project will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (h) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
  - (i) describe the procedures that will be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance; and
    - respond to emergencies; and
  - (j) include:
    - copies of any strategies, plans and programs approved under the conditions of this approval; and
    - a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

#### **Management Plan Requirements**

3. The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria; and
    - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
  - (c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;

- (d) a program to monitor and report on the:
  - impacts and environmental performance of the project; and
  - effectiveness of any management measures (see (c) above);
- (e) a contingency plan to manage any unpredicted impacts and their consequences;
- (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
- (g) a protocol for managing and reporting any:
  - incidents;
  - complaints;
  - non-compliances with statutory requirements; and
  - exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

*Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

## **Revision of Strategies, Plans & Programs**

4. Within 3 months of the submission of an:
  - (a) incident report under Condition 5 of this schedule;
  - (b) audit report under Condition 7 of this schedule; and
  - (c) any modifications to this approval,
 the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.*

## **REPORTING**

### **Incident Reporting**

5. The Proponent shall notify the Director-General and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the project as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of this incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident.

### **Regular Reporting**

6. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

## **AUDITING**

### **Pre-Operation Compliance Audit**

7. Within one month of commencement operations, the Proponent shall submit works as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.
8. The Director-General may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

## **ACCESS TO INFORMATION**

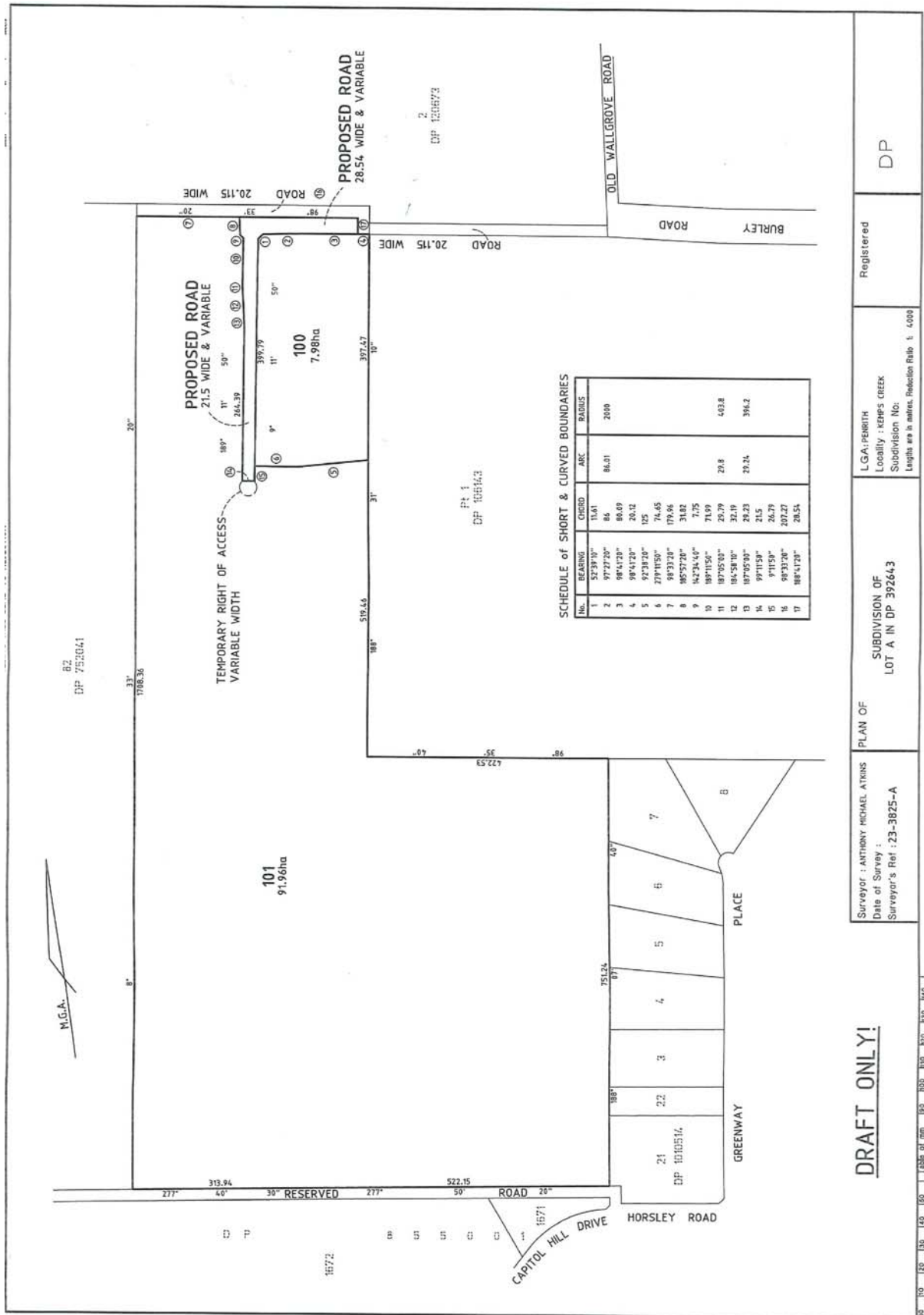
9. The Proponent shall:
  - (a) make the following information publicly available upon request:
    - the EA/PPR;
    - current statutory approvals for the project;
    - approved strategies, plans or programs;
    - a summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
    - a complaints register, updated on a quarterly basis;
    - copies of any annual reviews (over the last 5 years);

- any independent environmental audit, and the Proponent's response to the recommendations in any audit; and
  - any other matter required by the Director-General; and
- (b) keep this information up-to-date,  
to the satisfaction of the Director-General.
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**APPENDIX 1  
STATEMENT OF COMMITMENTS**

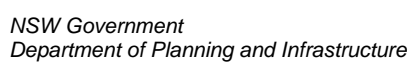
<b>Subject</b>	<b>No.</b>	<b>Commitments</b>	<b>Timing</b>
Construction Management	1.	A Construction and Environmental Management Plan will be prepared by the appointed building contractor and will be submitted to the Principal Certifying Authority for sign off. The CEMP will address the following issues: - Site Management; - Air Quality; - 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 issue of a Construction Certificate.
Heritage	7.	Prior to 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 the this report.	Prior to the issue of an Occupation Certificate.

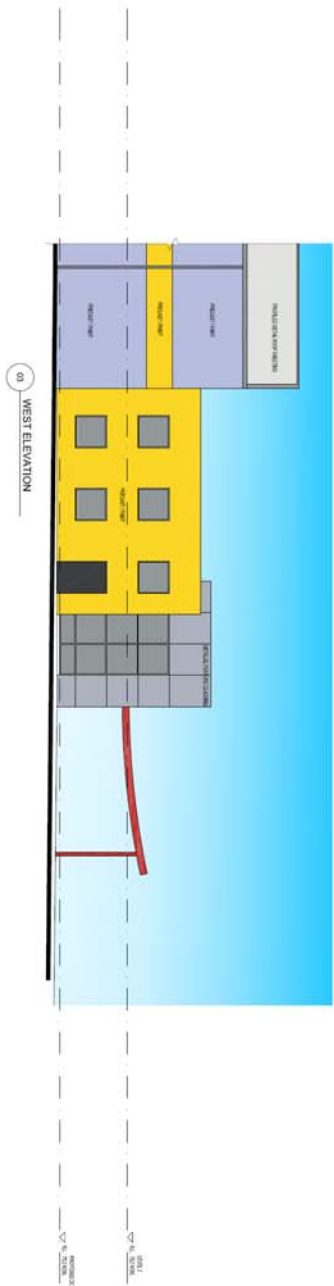
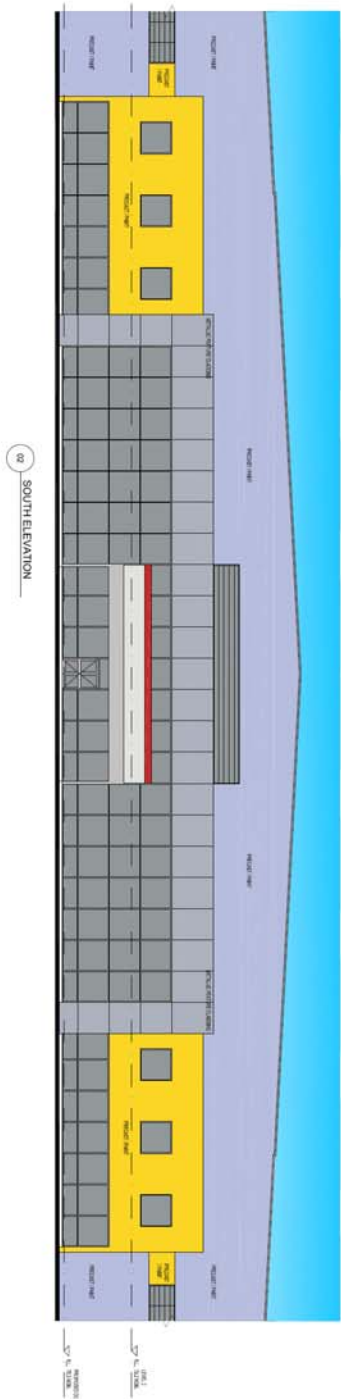
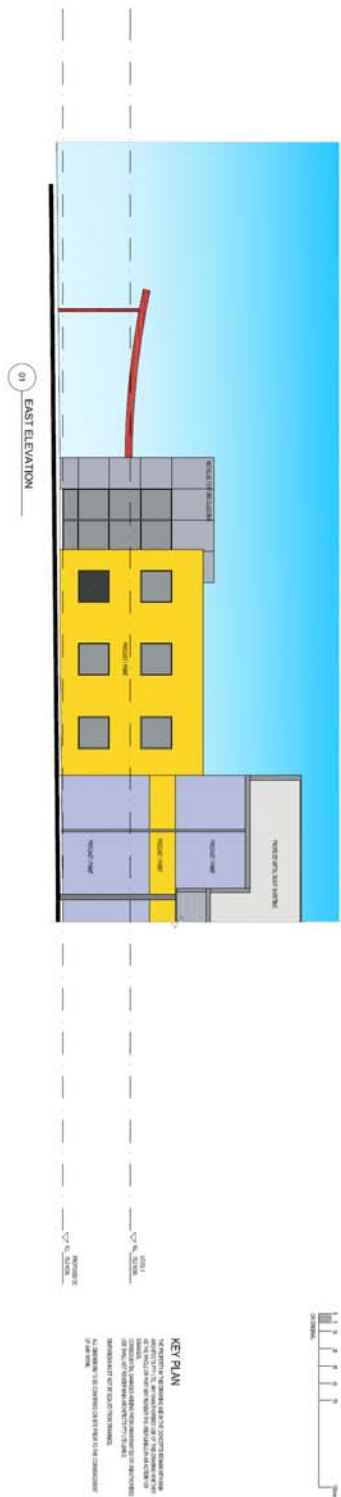
# APPENDIX 2 SITE PLANS











NAME	JACON PTY LTD
ADDRESS	HORSLEY PARK EMPLOYMENT PRECINCT LOT A BURELY ROAD
PROJECT	HORSLEY PARK BUILDING 1
DATE	2024-03-18
SCALE	1:100
PROJECT	DA 03 / B





