



Wallgrove Road Industrial Estate (SSD 5248) Construction Compliance Report

Gazcorp Pty Ltd

Report

JBS&G 63721 | 152,878

31 August 2023





We acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea and community.

We pay respect to Elders past and present and in the spirit of reconciliation, we commit to working together for our shared future.

Caring for Country The Journey of JBS&G
Artist: Patrick Caruso, Eastern Arrernte

Table of Contents

Executive Summary.....	1
1. Introduction	2
1.1 Project Background	2
1.2 Summary of Project Particulars	3
1.3 Key Personnel Responsible for Environmental/Compliance Management.....	4
2. Compliance Reporting Methodology	5
2.1 Compliance Reporting Scope	5
2.2 Compliance Reporting Objectives.....	5
2.3 Compliance Reporting Period	5
2.4 Previous Compliance Reports and Report Actions	5
2.5 Compliance Reporting Scope	6
2.6 Site Inspection.....	6
2.7 Compliance Status Descriptors	6
2.8 Audit Findings	6
3. Outcomes from Construction Compliance Report including Recommendations for Improvement	7
3.1 Non-compliances	7
3.2 Incidents.....	9
3.3 Complaints	9
3.4 Opportunities for Improvement	9
4. Conclusion	10

List of Tables

Table 1.1: Summary of Development Consents and Modifications at the site.....	2
Table 1.2: Key aspects of the Project	3
Table 1.3: Key Site Personnel	4
Table 2.1: Summary of Compliance Report Attendees	6
Table 2.2: Compliance Status Descriptors	6
Table 3.1: Non-compliances	7

Appendices

Appendix A	Compliance Report Declaration Form
Appendix B	Compliance Monitoring and Reporting Schedule Submission
Appendix C	Consent Compliance Table
Appendix D	Appendix 6 Management and Mitigation Measures Compliance Table

Executive Summary

The Gazcorp site (813-913 Wallgrove Road, Horsley Park NSW 2175) is currently under construction and will eventually be an industrial estate consisting of 14 warehouse buildings and associated infrastructure. The site obtained development consent under the *Environmental Planning and Assessment Act 1979* as State Significant Development (SSD) in November 2019. This application number was SSD 5248. Since this primary consent was obtained, two additional modifications have been approved. As such the most applicable consent to this development is SSD 5248 MOD 2.

The SSD development consent requires compliance reporting to be completed at regular intervals throughout the construction of the development.

This Construction Compliance Report was prepared in general accordance with the Compliance Reporting Post-Approval Requirements (NSW Government, June 2018). The compliance reporting process included:

- Attending site for the compliance reporting meeting as well as to inspect the construction and process.
- Reviewing each condition and assessing compliance via evidence available on the Gazcorp website, documentation provided by Gazcorp (the Applicant) and Cherrie Civil (civil contractors for the current phase of the development) or by interviewing key personnel and observations during the site visit.
- Preparing a detailed report summarising the outcomes of the compliance reporting for submission to DPE.

The site visit as part of the reporting process was undertaken on 21 June 2023.

Three non-compliances were identified in this Construction Compliance Report, related to the following conditions:

- D4 (Construction Environmental Management Plan);
- D7 (Revision of Strategies, Plans and Programs);and
- D13 (Compliance Reporting).

JBS&G are aware that two more new modifications to the development consent are currently being actioned through the planning process (MOD 4 and 5). Once approved, all management plans are to be revised to ensure any new or amended requirements have been incorporated into site practices.

1. Introduction

1.1 Project Background

The Project is located at 813-913 Wallgrove Road, Horsley Park NSW 2175 and (as is relevant for this Construction Compliance Report) is comprised of:

- In accordance with the Concept Proposal:
 - 218,628 square metres (m²) of gross floor area (GFA) comprised of 207,924 m² of warehouse/industrial uses and 10,704 m² of ancillary office space;
 - 14 warehouse buildings; and
 - Conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.
- As described in the Stage 1 Development Application:
 - Clearing of vegetation and undertaking of bulk earthworks across the entire site;
 - Construction of internal estate roads, water, sewer, telecommunications, and gas infrastructure;
 - Construction of stormwater management devices;
 - Installation of estate landscaping;
 - Construction and operation of a 45,225 m² warehouse and distribution building, including 3,066m² of ancillary office space; and
 - Intersection works in Wallgrove Road.

The site obtained development consent under the *Environmental Planning and Assessment Act 1979* as State Significant Development (SSD) in November 2019. This application is titled Gazcorp Industrial Estate and has the application number SSD 5248. Since this primary consent was obtained, subsequent modifications have been approved and applied for as summarised in **Table 1.1**.

Table 1.1: Summary of Development Consents and Modifications at the site

Consent	Date Approved	Details
Primary Consent	11 November 2019	Approval of a staged development application for a Concept Proposal and Stage 1 development application (SSD 5248).
MOD 1	23 December 2021	Modifications to the approved Concept Plan and carrying out earthworks across the site as part of the Stage 1 development.
MOD 2	22 December 2022	Amalgamation of Lots 11, 12 and parts of Lot 13 to create a new Lot 11 and amendment to building height control applicable to Lot 11 to facilitate a proposed warehouse and distribution centre, reduction of the approved gross floor area.
MOD 3	Withdrawn	-
MOD 4	Assessment Stage	Amendments to Warehouse 10 including changes to site layout and a partial temperature-controlled building.
MOD 5	Assessment Stage	Amendment to concept to create Lots 13A, 13B, 14A and 14B, increase building heights, increase in GFA, reconfiguration of stormwater and water quality systems and additional driveways.

As detailed above, MODs 1 and 2 have been approved and MODs 4 and 5 are at assessment stage. MOD 2 contains the current consolidated consent and is the main reference for consent conditions within this compliance report.

A construction certificate was issued for the site on 13 February 2023. This construction certificate (issued by Blackett Maguire + Goldsmith Pty Ltd, CC-23007). This construction certificate approved the commencement of:

“Bulk earthworks across the entire site, civil, stormwater management systems, and infrastructure works only associated with the Stage 1 Development.”

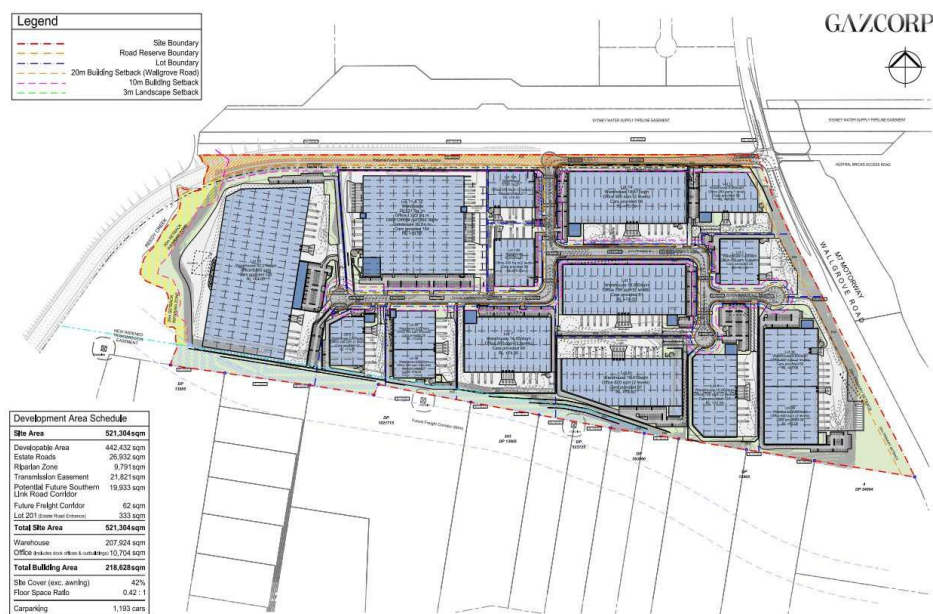
This construction certificate covered the works associated with the initial SSD development consent as well as MOD 1. Construction commenced in March 2023.

1.2 Summary of Project Particulars

The following table (Table 1.3) summarises key aspects of the Project.

Table 1.2: Key aspects of the Project

Aspect	Detail
Site Address	813-913 Wallgrove Road, Horsley Park NSW 2175
Lot and Deposited Plan	100/DP1268340
Compliance Report Phase	Construction Compliance Report
Dates Covered	March to July 2023
Summary of Site Work Activities	Vegetation clearance and levelling of the site with use of road graders
Overall Concept Layout	



Aspect	Detail
--------	--------

Stage 1 DA Layout



1.3 Key Personnel Responsible for Environmental/Compliance Management

The names and contact details of key site personnel responsible for environmental/compliance management are detailed below in **Table 1.3**.

Table 1.3: Key Site Personnel

Name	Company	Position	Phone	Email
Boris Bobyk	Gazcorp	Construction Manager		
Joshua Corcoran	Cherrie Civil	Site Manager		

2. Compliance Reporting Methodology

2.1 Compliance Reporting Scope

Upon review of the Development Consent (SSD-5248 and its associated modifications), the following conditions are identified to be actioned by Gazcorp in relation to Compliance Reporting:

COMPLIANCE REPORTING

D13. No later than 6 week before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

D14. Compliance Reports of the Development must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

D15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

The compliance reporting was performed in general accordance with the Compliance Reporting Post Approval Requirements (NSW Government, June 2018).

Note: JBS&G has corresponded with the Department Planning and Environment (Department) as there was a discrepancy regarding which version of the Post Approval Requirements (PAR) were to be used. JBS&G were originally advised to prepare the post approval documentation in accordance with the most recent version of the PAR, which is the 2020 version. However, upon further inspection in July 2023, the Department advised that the 2018 version should be retained and that on this occasion not providing a Pre-construction Compliance Report would not incur any penalties.

2.2 Compliance Reporting Objectives

The objectives of this Construction Compliance Report were to:

- Assess the environmental performance of the development and whether it is complying with the conditions in the Consent (SSD 5248).
- Review the adequacy of any approved strategy, plan or programme required under these approvals.
- Recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or programme required under these approvals.

2.3 Compliance Reporting Period

This Construction Compliance Report is the first report to be conducted since the commencement of construction of the Project and covers the time period from March 2023 until July 2023 (first three months of construction).

2.4 Previous Compliance Reports and Report Actions

This Construction Compliance Report is the first of those included in the Compliance Monitoring and Reporting Program written by JBS&G and submitted to the Department (**Appendix B**). Therefore, there are no previous Compliance Reports or associated actions to review at this stage.

Note: refer to comment in Section 2.1, no Pre-construction Compliance Report was provided.

2.5 Compliance Reporting Scope

The Construction Compliance Report was conducted in accordance with AS/NZS ISO 19011:2018 and Consent Condition D14 and includes a compliance table indicating the compliance status of each Consent Condition.

The Construction Compliance Report also includes recommendations in response to non-compliances, where relevant.

2.6 Site Inspection

JBS&G visited the site to conduct the Compliance Reporting on 21 June 2023. Attendees at this audit are provided in **Table 2.1**.

Table 2.1: Summary of Compliance Report Attendees

Company	Person	Role in Compliance Reporting
JBS&G Australia Pty Ltd	Angus King	Compliance Reporting Lead
	Juliette Willis	Compliance Reporting Support
Gazcorp Pty Ltd	Boris Bobyk	Construction Manager
Cherrie Civil Engineering Pty Ltd	Joshua Corcoran	Project Engineer

The site inspection in support of the compliance reporting took place over one workday, while detailed compliance reporting findings were developed over the course of the weeks following the site inspection.

Detailed compliance reporting findings are found in **Appendix C** and **Appendix D** of this report.

2.7 Compliance Status Descriptors

Each of the conditions were assessed using the following criteria (which has been extracted from Compliance Reporting – Post Approval Requirements (June 2018), NSW Government).

Table 2.2: Compliance Status Descriptors

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

These descriptors have been used within the audit tables provided in **Appendix C** and **Appendix D** of this report.

2.8 Audit Findings

The outcomes of this Construction Compliance Report's review of each of the consent conditions for this Compliance Monitoring and Reporting event are provided in **Appendix C** and **Appendix D** of this report.

As this is the initial Construction Compliance Report for this site, there are no previous non-compliances, incidences or opportunities for improvement to review from previous reports.

3. Outcomes from Construction Compliance Report including Recommendations for Improvement

3.1 Non-compliances

As is addressed in the Compliance Table (**Appendix C** and **Appendix D**), three non-compliances were identified in this Construction Compliance Report. These non-compliance are for conditions:

- D4 (Construction Environmental Management Plan)
- D7 (Revision of Strategies, Plans and Programs)
- D13 (Compliance Report)

Table 3.1 provides a summary of these non-compliances and includes the proponents response (i.e. from Grazcorp):

Table 3.1: Non-compliances

Compliance ID	Compliance Requirement	Non-compliance Details	Non-compliance Reporting	Proponent's Response
D4	The Applicant must: (a) not commence construction of the Development until the CEMP is approved by the Planning Secretary; and (b) carry out the construction of the Development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.	Upon review of the Air Quality Management Plan, one of the recommendations was that dust deposit gauges are to be installed and begin monitoring three months before construction commencement in order to gather baseline data. Cherrie Civil confirmed that the dust deposit gauges were not installed three months before construction commencement.	This non-compliance was determined by JBS&G during the writing of this Construction Compliance Report as suitable information/evidence was not provided to confirm the condition was actioned.	Gazcorp have reviewed the air quality management plan and all other requirements are being met. A review of the results from the dust deposit gauges identified that the there are no exceedances in dust levels and therefore the civils works are not impacting the air quality.
D7	Within three months of: (a) the submission of an incident report under Condition D9;	Evidence has not been provided confirming that notifications were made to the Department regarding the review of events	This non-compliance was determined by JBS&G during the writing of this Construction Compliance	For future review events, Gazcorp will notify the Department in writing that a review of the strategies, plans

Compliance ID	Compliance Requirement	Non-compliance Details	Non-compliance Reporting	Proponent's Response
	<p>(b) the submission of a Compliance Monitoring and Reporting Program under Condition D13;</p> <p>(c) the approval of any modification of the conditions of this consent; or</p> <p>(d) the issue of a direction of the Planning Secretary under Condition C2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	<p>detailed in Condition D7 was actioned JBS&G by Gazcorp during the preparation of this Construction Compliance Report.</p>	<p>Report as suitable information/evidence was not provided to confirm the condition was actioned.</p>	<p>and programs required under this consent has been carried out.</p>
D13	<p>No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.</p>	<p>As per Section 2.1, JBS&G has corresponded with the Department Planning and Environment (Department) in July 2023 as there was a discrepancy regarding which version of the Post Approval Requirements (PAR) were to be used. The Department advised that the 2018 version should be retained and that on this occasion not providing a Pre-construction Compliance Report would not have any penalties applied.</p>	<p>As the Pre-construction Compliance Report was not provided, the Department will still identify this as a non-compliance.</p>	<p>Not required</p>

3.2 Incidents

At the time of this Construction Compliance Report no incidents have occurred at the development.

3.3 Complaints

At the time of this Construction Compliance Report no complaints have been made regarding the Project. A monthly complaints register is maintained and uploaded to the Project website.

3.4 Opportunities for Improvement

JBS&G are aware that two modifications to the development consent are currently being actioned through the planning process (MODs 4 and 5). Once approved, all management plans should be revised to ensure any new requirements have been incorporated into site practices.

4. Conclusion

Overall procedures, recording of events and document management were at an adequate level to meet compliance with the condition requirements of the development consent.

However, as described in this Construction Compliance Report, three non-compliances were identified. These non-compliance are for conditions:

- D4 (Construction Environmental Management Plan);
- D7 (Revision of Strategies, Plans and Programs); and
- D13 (Compliance Reporting)

The details of these non-compliances were provided to Gazcorp for their consideration and review.

Table 3.1 provides a summary of these non-compliances and also includes the proponents (i.e. Gazcorp) response on how these non-compliances will be addressed.

JBS&G are aware that two new modifications to the development consent are currently being actioned through the planning process. Once approved, all management plans are to be revised to ensure any new requirements have been incorporated into site practices.

Appendix A Compliance Report Declaration Form

Compliance Report Declaration Form

Project Name	Gazcorp Industrial Estate
Project Application Number	SSD 5248
Description of Project	<p>The Project comprises of:</p> <ul style="list-style-type: none">• A Concept Proposal with:<ul style="list-style-type: none">○ 218,628 square metres (m²) of gross floor area (GFA) comprised of 207,924 m² of warehouse/industrial uses and 10,704 m² of ancillary office space;○ 14 warehouse buildings; and○ Conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.• A Stage 1 Development Application including:<ul style="list-style-type: none">○ Clearing of vegetation and undertaking of bulk earthworks across the entire site;○ Construction of internal estate roads, water, sewer, telecommunications, and gas infrastructure;○ Construction of stormwater management devices;○ Installation of estate landscaping;○ Construction and operation of a 45,225 m² warehouse and distribution building, including 3,066m² of ancillary office space; and○ Intersection works in Wallgrove Road.
Project Address	813-913 Wallgrove Road, Horsley Park NSW 2175
Proponent	Gazcorp Pty Ltd
Title of Compliance Report	R02 Wallgrove Road Industrial Estate Compliance Report Rev A
Date	28/08/2023

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the

Compliance Report Declaration Form

information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Name of Authorised Reporting Officer Tim Sachs

Title Senior Project Manager

Signature 

Qualification B. Commerce (Curs) MBA (MGSM).

Company Gazcorp Pty Ltd

Company Address 10/60 Park St, Sydney NSW 2000

Appendix B Compliance Monitoring and Reporting Schedule Submission

The following schedule of compliance reporting has been generated based on Table 1 of the Compliance Reporting Post-Approval Requirements (NSW Government, June 2018).

Based on review of the updated project schedule provided by Gazcorp, key milestones and timings for were determined as follows:

Milestone	Estimated Commencement	Planned Completion
Construction commencement	March 2023	Early 2024
Earth works/civils	March 2023	January 2024
Construction of warehouse within Lot 10 (including landscaping)	September 2023	September 2024

Based on these key milestones above, the proposed Updated Compliance Monitoring and Reporting Schedule for Stage 1 is:

Table 2: Proposed Compliance Monitoring and Reporting Program.

Proposed Date	Planned Activities on Site	Phase	Comment
August 2023	<ul style="list-style-type: none"> Site establishment Tree grubbing Demolition of existing structures Dewatering of dams Commencement of civil 	Construction	Initial Report (this report)
February 2024	<ul style="list-style-type: none"> Civils including cut and fill Utilities including sewer Warehouse construction (Lot 10) 	Construction	Approximately 22 weeks since previous report. Compliance period September 2023 – February 2024
August 2024	<ul style="list-style-type: none"> Warehouse construction (Lot 10) Landscaping 	Construction	Approximately 22 weeks since previous report. Compliance period March 2024 – August 2024
September 2024	<ul style="list-style-type: none"> Warehouse construction (Lot 10) 	Pre-operation	Estimated occupation date of Lot 10 warehouse is September 2024
To be confirmed based on further discussions with Gazcorp and will be detailed in future compliance reports	<ul style="list-style-type: none"> Occupation of warehouse (Lot 10) 	Operation	Initial report will be completed within 52 weeks of operation and then annually every year.

Appendix C Consent Compliance Table

Changes to the conditions as part of MODs 1 and 2 are identified in blue and red text.

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
	PART A CONCEPT PROPOSAL			
A1	In accordance with section 4.22(3) of the EP&A Act, subsequent stages of the Development are to be subject of future development applications.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
A2	Future development applications are generally consistent with the terms of Development Consent SSD 5248 as described in Schedule 1, and subject to the conditions in Schedule 2.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
	STATUTORY REQUIREMENTS			
A3	The Applicant must ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licenses, permits or approvals/consents.	At all times	Note	Not triggered
	TERMS OF CONSENT			
A4 MOD1	<p>"The development may only be carried out:</p> <ul style="list-style-type: none"> (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS and Response to Submissions (RtS); (d) in accordance with the Modification Application; (e) in accordance with the drawings listed in Appendix 1; and (f) in accordance with the management and mitigation measures in Appendix 6. 	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed:</p> <ul style="list-style-type: none"> - Modifications MOD 1, MOD 2, MOD 4 and MOD 5 are on the Major Projects website and that these modifications incorporate works to additional Lots for the construction of warehouses. Gazcorp confirmed that these MODs are not significantly different to the approved SSD. MODs 1 and 2 have been approved (MODs 4 and 5 are at assessment stage). MOD 2 is the consolidated consent and considered the main reference for Conditions. - No amendments have been made to the EIS that was approved as part of the SSD consent. - The only amendments issued to the SSD by the Planning Secretary are associated with the approved modifications (specifically MOD 2 is being used as the main reference for consent conditions. 	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
A5	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <ul style="list-style-type: none"> (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in Condition C3(a). 	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the appropriate written directions from the Planning Secretary have been received (i.e. related to the approval of the SSD and MODs 1 and 2).</p> <p>In addition, the construction certificate for SSD and MOD 1 was also reviewed which confirmed that the construction works related to these approvals could commence.</p>	Compliant
A6	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A4(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A4(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p><i>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</i></p>	At all times	<p>Condition A6, is a note related to the consistency of information. No actions are required and therefore this condition is "Not triggered".</p>	Not triggered
LIMITS OF CONSENT				
A7	<p>This consent lapses five years after the date from which it operates, unless the development associated with the Stage 1 DA has physically commenced on the land to which the consent applies before the date.</p>	At all times	<p>Development consent (for SSD 5248) was obtained in November 2019. The construction certificate was obtained in February 2023 and site works construction commenced in April 2023. The commencement of construction works from the approval of the DA is less than 5 years.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status														
A8 MOD1 & MOD2	<p>The following limits apply to the Concept Proposal for the Development:</p> <p>(a) the maximum Gross Floor Area (GFA) for the land uses in the Development must not exceed the limits outlined in Table 1 below; and</p> <p>(b) no loading docks or delivery bays are permitted along the southern elevation of any warehouse buildings that have a direct frontage to the southern boundary of the site.</p> <p>Table 1 GFA Maximum for Concept Proposal</p> <table><tr><th>Land Use</th><th>Maximum GFA (m²)</th></tr><tr><td>Total Industrial/Warehousing space</td><td>207,288</td></tr><tr><td>Total Office space</td><td>11,340</td></tr><tr><td>Total GFA</td><td>218,628</td></tr></table>	Land Use	Maximum GFA (m²)	Total Industrial/Warehousing space	207,288	Total Office space	11,340	Total GFA	218,628	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the requirements of this condition will be actioned when the warehouses are constructed.</p> <p>At the time of the Site Inspection, no warehouses or offices had commenced construction as only bulk earthworks and civils being completed (in line with the construction certificate). This condition will need to be reviewed in future audits.</p>	Compliant						
Land Use	Maximum GFA (m²)																	
Total Industrial/Warehousing space	207,288																	
Total Office space	11,340																	
Total GFA	218,628																	
A9 MOD2	<p>The Applicant must ensure the Development is consistent with the development controls in Table 2 below.</p> <p>Table 2 Development Controls</p> <table><tr><th>Development Aspect</th><th>Control</th></tr><tr><td>Southern Link Road alignment setback</td><td>10 m</td></tr><tr><td>Wallgrove Road setback</td><td>20 m</td></tr><tr><td>Internal estate roads setback</td><td>7.5 m</td></tr><tr><td>Height</td><td>14 m</td></tr><tr><td>Height – Building on Lot 11/12</td><td>15 m</td></tr><tr><td>Site coverage</td><td>Maximum of 50 per cent</td></tr></table> <p>Note: The site coverage control excludes building awnings.</p>	Development Aspect	Control	Southern Link Road alignment setback	10 m	Wallgrove Road setback	20 m	Internal estate roads setback	7.5 m	Height	14 m	Height – Building on Lot 11/12	15 m	Site coverage	Maximum of 50 per cent	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the requirements of this condition will be actioned when the warehouses are constructed.</p> <p>At the time of the Site Inspection, no warehouses or offices had commenced construction as only bulk earthworks and civils being completed (in line with the construction certificate). This condition will need to be reviewed in future audits.</p>	Compliant
Development Aspect	Control																	
Southern Link Road alignment setback	10 m																	
Wallgrove Road setback	20 m																	
Internal estate roads setback	7.5 m																	
Height	14 m																	
Height – Building on Lot 11/12	15 m																	
Site coverage	Maximum of 50 per cent																	
A10	A maximum of one illuminated sign is permitted on each elevation of each building. All illuminated signage must be oriented away from residential receivers.	At all times	During the Site Inspection (21 June 2023), Gazcorp confirmed requirements of condition A10 will be met once buildings are constructed.	Compliant														
A11	Underground car parking is not permitted.	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that underground car parking's is not within any designs.</p> <p>This will be reviewed in future audits.</p>	Compliant														

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status																				
SUSTAINABILITY MANAGEMENT																								
A12 MOD1	<p>(a) Prior to the commencement of construction of warehouse building 10, the Applicant must submit a Sustainability Strategy for the Development to the Planning Secretary for approval. The Sustainability Strategy must:</p> <ul style="list-style-type: none"> detail how the ESD and WSUD initiatives and energy efficiency measures outlined in the EIS will be implemented on site; identify the total greenhouse gas savings estimated to be achieved in comparison to a base case development (i.e. a development constructed in accordance with the minimum requirements of the latest version of Section J, Volume one of the National Construction Code (NCC)) if the measures proposed under the Sustainability Strategy are implemented; include a calculation of water requirements and measures incorporated to reduce water use; include a program to monitor and report annually on the efficiency measures implemented; and ensure the development will continue to operate at industry best practice over time. 	Construction	<p>A Sustainability Strategy Report was submitted as part of the Construction Certificate (Item 24 in the Construction Certificate Documentation table).</p> <p>During the Site Inspection (21 June 2023), Gazcorp confirmed this report was submitted to the Planning Secretary and approved.</p>	Compliant																				
OPERATIONAL NOISE LIMITS																								
A13 MOD1	<p>The Applicant must ensure the Development does not exceed the noise limits provided in Table 3 below and the receiver locations as shown in Appendix 5:</p> <p>Table 3 Project Specific Noise Limits dB(A)</p> <table border="1"> <thead> <tr> <th>Location</th><th>Day</th><th>Evening</th><th>Night</th><th></th></tr> <tr> <th></th><th>L_{Aeq}(15 minute)</th><th>L_{Aeq}(15 minute)</th><th>L_{Aeq}(15 minute)</th><th>L_{Amax}</th></tr> </thead> <tbody> <tr> <td>Residential receivers</td><td>48</td><td>43</td><td>38</td><td>52</td></tr> <tr> <td>Industrial Developments to the south</td><td>51</td><td>51</td><td>51</td><td></td></tr> </tbody> </table> <p>Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 5 for the locations of residential sensitive receivers.</p>	Location	Day	Evening	Night			L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}	Residential receivers	48	43	38	52	Industrial Developments to the south	51	51	51		Operation	This condition is related to operational noise and therefore not triggered at this stage of the development.	Not triggered
Location	Day	Evening	Night																					
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}																				
Residential receivers	48	43	38	52																				
Industrial Developments to the south	51	51	51																					

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
A13A MOD1	<p>Prior to the commencement of bulk earthworks, the Applicant must prepare a noise verification report in accordance with the <i>Noise Policy for Industry (2017)</i> to the satisfaction of the Planning Secretary. The noise verification report must:</p> <ul style="list-style-type: none"> (a) detail methodology for recording background noise levels, including locations of sensitive receivers; (b) detail background noise levels at sensitive receivers; and (c) establish project specific noise trigger levels in accordance with the methodology set out in the <i>Noise Policy for Industry (2017)</i>. 	Construction	<p>As part of the Construction Certificate a Background Noise Verification and Noise Emission Criteria report was prepared (identified as Item 25 in the Construction Certificate Documentation Table).</p> <p>During the Site Inspection (21 June 2023), Gazcorp confirmed this report was submitted to the Planning Secretary and approved.</p>	Compliant
A13B MOD1	<p>An Operational Noise Verification Report (ONVR) must be prepared by a suitably qualified and experienced person(s) and submitted to the satisfaction of the Planning Secretary at the following stages of the development:</p> <ul style="list-style-type: none"> (a) within three months of the commencement of operation of the first tenancy of each warehouse building; and (b) within three months of the occupation of the warehouse building by any new tenants for the life of the development. 	Operation	This condition is related to operational noise and therefore not triggered at this stage of the development.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
A13C MOD1	<p>The ONVR required by Condition A13B must include:</p> <ul style="list-style-type: none"> (a) an analysis of compliance with noise limits undertaken in accordance with the <i>Noise Policy for Industry</i> and the latest version of Australian Standard AS1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia); and (b) a detailed maximum noise level event assessment undertaken in accordance with the <i>Noise Policy for Industry</i>; (c) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, re-assessment of mitigation measures identified; and (d) identification of additional noise control measures, excluding at-receiver controls, to be implemented to address any exceedances of the limits specified in Condition A13 and when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary. 	Operation	This condition is related to operational noise and therefore not triggered at this stage of the development.	Not triggered
STAGING				
A14	Unless otherwise agreed to in writing by the Planning Secretary, the Applicant must prepare a detailed Staging Plan in consultation with Council and all relevant utility and service providers to the satisfaction of the Planning Secretary. The Staging Plan must include detailed plans for earthworks, provision of all services and infrastructure and landscaping within the road reserve for each stage. The Staging Plan must be approved by the Planning Secretary prior to the lodgement of any development applications.	At all times	Gazcorp provided JBS&G with a copy of the development Staging Plan as well as evidence of consultation with Sydney Water and Endeavour Energy for service provision. No development applications have been lodged at the time of this Compliance Report.	Compliant
DISABLED ACCESS				
A15	Access for disabled people shall be provided in all buildings in accordance with Clauses D3.2, D3.3 and Table D3.2 of the Volume One of the NCC and to the standards set out in AS 1428.1.	At all times	This condition is related to DDA compliance. Will need to be reviewed in future audits.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
TRANSGRID EASEMENT				
A16	<p>Prior to the commencement of construction of Stage 1, detailed plans of the swale proposed within 20 metres of TransGrid's Structure 14 and the batters within 20 m of TransGrid Structures 15 and 16 are to be prepared in consultation with TransGrid to the satisfaction of the Planning Secretary. The detailed swale must ensure:</p> <ul style="list-style-type: none"> (a) access for TransGrid's plan and personnel is maintained and unrestricted at all times during construction and operation, for the life of the development and to the satisfaction of TransGrid; (b) any slopes (proposed batters) TransGrid's heavy maintenance vehicles would be required to traverse must not have a grade steeper than 1:6; (c) fill does not impact on safe ground clearances to transmission line conductors; and (d) cut does not impact on the buried structures. <p><i>Note: TransGrid's preferred maximum grade for batters is 1:8.</i></p>	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that they are currently designing the batter. This design is being discussed with Transgrid and the Planning Secretary being included design process. Within the construction certificate, the original permittance letter from Transgrid (identified as Item 27 in the Construction Certificate Documentation Table).</p>	Compliant
A17	<p>Excavation works are not permitted to be undertaken within 20 metres of any part of a steel tower and adequate precautions shall be taken during construction to protect structures from any damage. Subsoil stability and surface drainage is not to be adversely affected in the vicinity of these structures.</p> <p><i>Note: Earth straps are buried coming out from each of the leg towers and these are not to be disturbed or exposed to avoid any danger to the public.</i></p>	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that no excavation has been undertaken within 20m of the steel towers. Cherrie Civil stated that this is managed by the following:</p> <ul style="list-style-type: none"> - Flags are set up around the base of the buffer zone surrounding the towers for a visual cue - this was observed during the site visit. - GPS alerts are set up in all vehicles onsite with the positioning of the buffer zone for the steel towers. 	Compliant
A18	The TransGrid easement is not to be used for vehicular parking or storage of any materials during construction and/or operation.	At all times	During the Site Inspection (21 June 2023), JBS&G visually confirmed that the Transgrid easement was not being used for storage nor parking.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
PART B FUTURE DEVELOPMENT APPLICATIONS				
DEVELOPMENT CONTRIBUTIONS				
B1	Future development applications must identify whether the provisions of Council's 7.12 Contributions Plan or any planning agreement(s) apply to the site.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B1A MOD1	In accordance with Section 4.37 of the EP&A Act, any subsequent development application not being for the purpose of a warehouse or distribution centre with a capital investment value in excess of the threshold specified in Clause 12, Schedule 1 to the State Environmental Planning Policy (State and Regional Developments) 2011 (or its replacement) is to be determined by the relevant Consent Authority and that development ceases to be State Significant Development.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
ECOLOGICALLY SUSTAINABLE DEVELOPMENT				
B2	Future development applications must demonstrate how the Development incorporates the principles of Ecologically Sustainable Development in the design, construction and on-going operation of the Development.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
SUSTAINABILITY MANAGEMENT PLAN				
B3	Future development applications must set out how the development intends to comply with the Sustainability Strategy approved under Condition A12.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
TRAFFIC AND ACCESS				
B4 MOD2	<p>Future development applications must be accompanied by a detailed assessment of the traffic and transport impacts on the surrounding road network and intersection capacity and must:</p> <ul style="list-style-type: none"> (a) Include detailed provisions of loading/unloading and access arrangement; (b) demonstrate that sufficient car parking has been provided in accordance with the car parking rates approved under Condition B5 below, and details to promote non-car travel modes; (c) have specific regard to the scope and timing of road infrastructure works in the surrounding road network; and (d) verify that the development is generally consistent with the traffic volumes for the Concept Proposal. (e) demonstrate the layout, spacing and position of all access points to the estate road network would: <ul style="list-style-type: none"> i. minimise road safety risks, including consideration of cumulative impacts associated with the approved Concept Plan road and access layouts and minimise potential conflicts with other driveways within the Concept Plan; ii. include adequate sight distances for all turning movements; iii. accommodate the turning path of the largest vehicles accessing the site to minimise the risk of conflict with other vehicles on the estate road network; and iv. minimise congestion and queuing on the estate road network. (f) detail measures to minimise road safety risks and congestion including but not limited to: <ul style="list-style-type: none"> i. consolidation of access points to reduce the number of driveways in close proximity to each other; ii. line marking, warning signage and parking restrictions; iii. restricted turning movements, such as left-in left-out restrictions; and iv. installation of traffic controls. 	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
B5	Car parking must be provided in accordance with the following rates, unless evidence is provided in accordance with the car parking requirements contained in the latest version of Part 12.1 of Fairfield Citywide Development Control Plan 2013: (a) 1 space per 300m ² of industrial/warehouse GFA; (b) 1 space per 40m ² of office GFA; and (c) 2 disabled spaces for every 100 car parking spaces.	At all times	Gazcorp to Note – design aspect and will be reviewed in future compliance reports.	Not triggered
B6	To ensure that potential conflicts between heavy vehicles and light vehicles are minimised, future development applications must include details demonstrating satisfactory arrangements have been made to separate heavy and light vehicle movements.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B7	To ensure that sustainable transport modes are supported, all future development applications proposing the construction of new industrial/warehouse buildings must include a Sustainable Travel Plan (STP). All STP's must identify the pedestrian and cyclist facilities proposed to service the proposed industrial/warehouse buildings.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B8	Future development applications must provide bicycle racks, and amenity and change room facilities for cyclists in accordance with <i>Planning Guidelines for Walking and Cycling</i> (December 2004, NSW Department of Infrastructure, Planning and Natural Resources, Roads and Traffic Authority).	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
BUSHFIRE PROTECTION				
B9	Future development applications for industrial/warehouse buildings must demonstrate compliance with the relevant provisions of the latest version of Planning for Bush Fire Protection (PBP) and the asset protection zones recommended in the <i>Bushfire Protection Assessment for the Proposed Gazcorp Industrial Estate</i> , prepared by Australian Bushfire Protection Planners Pty Ltd, dated April 2013.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
B10	Future development applications for industrial/warehouse buildings must demonstrate compliance with AS 3959-2009 <i>Bushfire Construction Standard</i> as recommended in the <i>Bushfire Protection Assessment for the Proposed Gazcorp Industrial Estate</i> , prepared by Australian Bushfire Protection Planners Pty Ltd, dated April 2013.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B11	Future development applications must demonstrate compliance with the following sections of RFS's Future development applications must demonstrate compliance with the following sections of RFS's <i>Planning for Bushfire Protection 2006</i> : (a) section 4.2.7 for internal road access; (b) section 4.2.7 for water, electricity and gas; and (c) appendix 5 for landscaping.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B12	Future development applications must include an Emergency/Evacuation Plan prepared in accordance with <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> (NSW Rural Fire Service, December 2014).	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
NOISE AND VIBRATION				
B13	Future Development applications must include a noise assessment identifying the noise and vibration impacts associated with the construction and operation of future industrial/warehouse buildings. The assessment must also identify whether appropriate acoustic amenity can be achieved at surrounding sensitive receivers and identify all mitigation measures, such as noise barriers, necessary to achieve compliance with the requirements of the project specific noise levels identified in Condition A13.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
OUTDOOR LIGHTING				
B14	Future development applications must demonstrate how the development intends to comply with AS/N21158.3:1999 <i>Pedestrian Area (Category P) Lighting</i> and AS4282: 1997 <i>Control of Obtrusive Effects of Outdoor Lighting</i> .	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
SIGNAGE				
B15	Future development applications must include details of any external advertising signage and demonstrate compliance with the requirements of Condition A10 and <i>State Environmental Planning Policy No. 64 - Advertising and Signage</i> .	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
ROAD INFRASTRUCTURE				
B16	Future development applications must ensure the design of any road infrastructure is consistent with the approved plans listed in Appendix 1.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
REFLECTIVITY				
B17	The visible light reflectivity from building materials used in the façades of the buildings must not exceed 20 per cent and must be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority for each future industrial/warehouse building prior to the issue of the relevant Construction Certificate.	Construction	This condition is regarding future buildings so not reviewed as part of this compliance report.	Not triggered
TRANSMISSION LINE EASEMENT				
B18	As part of future development applications for industrial/warehouse buildings located adjacent to the TransGrid Easement, the Applicant must demonstrate that the design of the development allows accumulated stormwater to drain away from the TransGrid easement.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
B19	Plans accompanying future development applications are required to clearly depict, to scale, both the 20-metre exclusion zone around each transmission tower and the Trans Grid easement to a width of 60 metres.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
STORMWATER MANAGEMENT				
B20 MOD1	<p>Future development applications must demonstrate that the design of the development is consistent with:</p> <ul style="list-style-type: none"> (a) <i>Stormwater Management Report – DA for 14 industrial lots, Lot 5 in DP 24094 813-913 Wallgrove Road, Horsley Park</i>, prepared by Orion Consulting, dated 16 December 2020, Revision 2; (b) <i>Lot 5 Wallgrove Road Industrial Site Concept Plan – Modification</i>, prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07); and (c) <i>Fairfield City Council Stormwater Management Policy</i> (Fairfield City Council, 2017) (as may be updated or replaced from time to time). 	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
WASTE				
B21	<p>Future development applications must include a Waste Management Plan which:</p> <ul style="list-style-type: none"> (a) details the type and quantity of waste to be generated during construction and operation of the development; (b) describes the handling, storage and disposal of all waste streams generated on site, consistent with the <i>Protection of the Environment Operations Act 1997</i>, <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and the <i>Waste Classification Guideline</i> (Department of Environment, Climate Change and Water, 2009); (c) identifies waste storage area(s) on a site plan(s); and (d) details the materials to be reused or recycled, either on or off site. 	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
LANDSCAPING				
B22 MOD1	<p>Future development applications must include a detailed landscape plan consistent with <i>813-913 Wallgrove Road Eastern Creek Amended Landscape Masterplan for Gazcorp Pty Ltd</i>, prepared by Site Image Landscape Architects, dated 25 March 2021, Issue B.</p>	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
B22A MOD2	Future development applications must ensure landscaping meets the minimum setback requirements of the <i>Urban Design Guidelines – Momentum M7, 813 – 913 Wallgrove Road, Eastern Creek, version 4</i> prepared by MBMO dated 18 October 2013, including but not limited to, 5 metres of landscaped setback to internal estate roads.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
URBAN DESIGN				
B23	Future development applications must demonstrate compliance with <i>Urban Design Guidelines - Momentum M7, 813-913 Wallgrove Rd, Eastern Creek, version 4</i> , prepared by MBMO, dated 18 October 2013.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
CIVIL WORKS				
B24 MOD1	Future development applications must demonstrate the design of the development is consistent with <i>Lot 5 Wallgrove Road Industrial Site Concept Design – Modification</i> , prepared by Orion Consulting, dated 13 November 2020, Revision B (Project No. 19-0108, Set No. 07).	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
AIR QUALITY				
B25	Future development applications must include an Air Quality Impact Assessment which has been prepared by a suitably qualified expert.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered
WESTERN SYDNEY FREIGHT LINE CORRIDOR				
B26	Prior to the lodgement of any future development application, the Applicant is required to undertake consultation with TfNSW regarding the future Western Sydney Freight Line. Evidence of consultation with TfNSW is required to be submitted with the development application and all reasonable advice from TfNSW is required to be incorporated into the proposed development.	At all times	This condition is regarding future DAs so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
	PART 3 STAGE 1 DA – OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT			
C1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	At all times	Note	Not triggered
	TERMS OF CONSENT			
C2	The development may only be carried out: <ul style="list-style-type: none"> (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS and Response to Submissions (RtS); (d) in accordance with the drawings listed in Appendix 2; and (e) in accordance with the management and mitigation measures in Appendix 6. 	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed:</p> <ul style="list-style-type: none"> - Modifications MOD 1, MOD 2, MOD 4 and MOD 5 are on the Major Projects website and that these modifications incorporate works to additional Lots for the construction of warehouses. Gazcorp confirmed that these MODs are not significantly different to the approved SSD. MODs 1 and 2 have been approved (MODs 4 and 5 are at assessment stage). MOD 2 is the consolidated consent and considered the main reference for Conditions. - no amendments have been made to the EIS that was approved as part of the SSD consent. - the only amendments issued to the SSD by the Planning Secretary are associated with the approved modifications (specifically MOD 2 is being used as the main reference for consent conditions). 	Compliant
C3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: <ul style="list-style-type: none"> (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in Condition C3(a). 	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the appropriate written directions from the Planning Secretary have been received (i.e. related to the approval of the SSD and MODs 1 and 2).</p> <p>In addition the construction certificate for SSD and MOD 1 was also reviewed which confirmed that the construction works related to these approvals could commence.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C4	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition C2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition C2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p><i>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</i></p>	At all times	Note	Not triggered
LIMITS OF CONSENT				
C5	Development Consent is granted to the Stage 1 DA as described in Schedule 1 of this consent and the EIS, as amended by the RtS and the conditions contained in this Development Consent.	At all times	Note	Not triggered
C6	This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before that date.	At all times	Development consent (for SSD 5248) was obtained in November 2019. The construction certificate was obtained in February 2023 and site works construction commenced in April 2023. The commencement of construction works from the approval of the DA is less than 5 years.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status								
C7	<p>This consent grants approval for the maximum GFA for Lot 10 as detailed in Table 4 below:</p> <p>Table 4: GFA Maximum for Lot 10 (Stage 1 Development)</p> <table><tr><th>Land Use</th><th>Maximum Total GFA (m²)</th></tr><tr><td>Industrial/Warehouse</td><td>42,219</td></tr><tr><td>Office</td><td>3,006</td></tr><tr><td>Total</td><td>44,225</td></tr></table>	Land Use	Maximum Total GFA (m ²)	Industrial/Warehouse	42,219	Office	3,006	Total	44,225	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the requirements of this condition will be actioned when the warehouses are constructed.</p> <p>At the time of the Site Inspection, no warehouses or offices had commenced construction as only bulk earthworks and civils being completed (in line with the construction certificate). This condition will need to be reviewed in future audits.</p>	Compliant
Land Use	Maximum Total GFA (m ²)											
Industrial/Warehouse	42,219											
Office	3,006											
Total	44,225											
NOTIFICATION OF COMMENCEMENT												
C8	<p>The date of commencement of each of the following phases of the Development must be notified to the Department in writing, at least one month before that date:</p> <p>(a) construction;</p> <p>(b) operation; and</p> <p>(c) cessation of operations.</p>	At all times	<p>Gazcorp provided a Notice of Commencement of Construction to the Department on 9 February 2023, with construction scheduled to commence on 9 March 2023.</p>	Compliant								

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
EVIDENCE OF CONSULTATION				
C9	Where conditions of this consent require consultation with an identified party, the Applicant must: <ul style="list-style-type: none"> (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (b) provide details of the consultation undertaken including: <ul style="list-style-type: none"> i. the outcome of that consultation, matters resolved and unresolved; and ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved. 	At all times	JBS&G has confirmed Consentium is continuing their community engagement works.	Not triggered
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS				
C10	With the approval of the Planning Secretary, the Applicant may: <ul style="list-style-type: none"> (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the Development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the Development). 	At all times	During the Site Inspection (21 June 2023), Gazcorp confirmed that all requirements for condition C10 were met when submitting modifications to the SSD. No other plans, strategies or programs have been required by the Department/Planning Secretary.	Compliant
C11	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C12	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	At all times	Note	Not triggered
PROTECTION OF PUBLIC INFRASTRUCTURE				
C13	Before the commencement of construction, the Applicant must: <ul style="list-style-type: none"> (a) consult with the relevant owner and provider of services that are likely to be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure; (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and (c) submit a copy of the dilapidation report to the Planning Secretary and Council. 	Construction	During the Site Inspection (21 June 2023), Gazcorp it was confirmed that the dilapidation report was completed by Burton Contractors, as evidenced in the Construction Certificate Documentation Table (Item 53). This report was also submitted to Fairfield City Council, as evidenced in the Construction Certificate Documentation Table (Item 55).	Compliant
C14	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the Development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development. 	At all times	Note	Not triggered
DEMOLITION				
C15	All demolition must be carried out in accordance with <i>Australian Standard AS 2601-2001 The Demolition of Structures</i> (Standards Australia, 2001).	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that all demolition activities undertaken onsite were completed in accordance with the relevant Australian Standard. They confirmed that the only demolition required was one small shack/horse shed (located in central northern section of the site) mainly constructed of timber and steel as well as asbestos. A clearance certificate for the asbestos was received/obtained.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
STRUCTURAL ADEQUACY				
C16	<p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, must be constructed in accordance with the relevant requirements of the NCC.</p> <p><i>Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</i></p> <p><i>Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.</i></p> <p><i>Under section 21 of the Coal Mine Subsidence Compensation Act 2017 (NSW), the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.</i></p>	At all times	Note	Not triggered
COMPLIANCE				
C17	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the Development.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that all works onsite undergo a site induction prior to commencing work. This site induction is informed by the conditions of this consent. Notable conditions are reiterated through daily toolbox talks.	Compliant
OPERATION OF PLANT AND EQUIPMENT				
C18	<p>All plant and equipment used on site, or to monitor the performance of the Development must be:</p> <ul style="list-style-type: none"> (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner. 	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that all machines are serviced correctly and have pre-start checks. All machines are regularly serviced onsite by qualified personnel.	Compliant
EXTERNAL WALLS AND CLADDING				
C19	The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.	At all times	<p>Note – design aspect related to the construction of warehouses.</p> <p>Requirement not relevant to this early stage of site works.</p>	Not triggered
C20	Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC.	At all times	<p>Note – design aspect related to the construction of warehouses.</p> <p>Requirement not relevant to this early stage of site works.</p>	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C21	The Applicant must provide a copy of the documentation given to the Certifying Authority under Condition C20 to the Planning Secretary within seven days after the Certifying Authority accepts it.	Construction	Note – design aspect related to the construction of warehouses. Requirement not relevant to this early stage of site works.	Not triggered
UTILITIES AND SERVICES				
C22	Before the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the requirements of C22 are being met. The majority of the communication has been with Sydney Water thus far. Most utilities for the development are considered to be owned by Gazcorp as they contained on the site, and it is considered private property.	Compliant
C23	Before the commencement of operation of the Development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the <i>Sydney Water Act 1994</i> (NSW).	Operation	This condition is regarding operation phase so not relevant to this early stage of site works.	Not triggered
C24 MOD1	Before the issue of a Subdivision Certificate or the commencement of construction of warehouse building 10, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for: <ul style="list-style-type: none"> (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. 	Construction	This condition is regarding future phases of the development (subdivision) so not relevant to this early stage of site works.	Not triggered
C25	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.	Construction	This condition is regarding future phases of the development (utility installation) so not relevant to this early stage of site works.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
EASEMENTS				
C26	<p>The creation of easements for services, rights of carriageway and restrictions as to user are applicable under sections SSA and SSE of the Conveyancing Act 1919 (NSW), including (but not limited to) the following:</p> <ul style="list-style-type: none"> (a) easements for sewer, water supply and drainage over all public services/infrastructure on private property; (b) drainage easements are to be placed over all subsurface drains and inter allotment drainage, benefiting and burdening the property owners; (c) maintenance of the subsurface drains is to be included in the SSE Instrument; (d) restriction as to user and positive covenant relating to the: <ul style="list-style-type: none"> i. on-site detention system/s; ii. stormwater pre-treatment system/s; and iii. overland flow path works. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the only easements needed are:</p> <ul style="list-style-type: none"> - Endeavour Energy easement on the east side of site which will be relevant to the switching gear owned by Gazcorp. The draft has been completed and is currently waiting on final approval. - A potable water easement will eventually be required, but not in the timeframe for this compliance report. <p>No sewer easement will be needed for the development. Gazcorp confirmed all requirements of condition C26 will be met for easements onsite which will include approval by the relevant authorities.</p>	Compliant
APPLICABILITY OF GUIDELINES				
C27	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	At all times	Note	Not triggered
C28	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
DEVELOPER CONTRIBUTIONS				
C29	The Applicant shall provide all monetary contributions and/or works-in-kind contributions under Subdivision 2 of Division 7 of Part 7 of the EP&A Act, in accordance with the Planning Agreement entered into between the Minister for Planning, Gazcorp Pty Limited (the developer) and Wallgrove Road Industrial Investments Pty Ltd as trustee for Wallgrove Road Unit Trust (the landowner) executed on 25 June 2019 and as attached in Appendix 4.	At all times	Note	Not triggered
C30	Before the issue of a construction certificate for any part of the Stage 1 development, a payment equal to 1% of the proposed cost of carrying out the development must be paid to Fairfield City Council under section 7.12 of the EP&A Act.	Construction	The Construction Certificate was issued on 13 February 2023. Payment was made to Fairfield City Council as evidenced in the Construction Certificate Documentation Table (Item 21).	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
TRAFFIC AND ACCESS				
Construction Traffic Management Plan				
C31	<p>Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the Development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by Condition D2 and must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person(s); (b) be prepared in consultation with Council and TfNSW; (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction; (d) detail heavy vehicle routes, access and parking arrangements; (e) detail predicted daily and peak hour construction vehicle movements, types and routes; (f) detail traffic and pedestrian management methods; (g) provide the estimated duration and staging of construction works; (h) detail the access and parking arrangements for construction vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network; (i) (provide measures to ensure the unhindered movement of authorised vehicles to the Warragamba to Prospect Pipeline; (j) include a Driver Code of Conduct to; <ul style="list-style-type: none"> i. minimise the impacts of earthworks and construction on the local and regional road network; ii. minimise conflicts with other road users; iii. minimise road traffic noise; and iv. ensure truck drivers use specified routes; (k) include a program to monitor the effectiveness of these measures; and (l) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that no changes have been made to the construction traffic management plan (prepared by Allied Traffic Management) included within the CEMP which also covers the external works (being completed by Burtons).</p> <p>This Traffic Management Plan was included within the CEMP and was signed off by Transport for NSW.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C32	The Applicant must: (a) not commence construction until the CTMP is approved by the Planning Secretary; and (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the CTMP was approved by the Planning Secretary prior to construction commencing and that the most recent version is being implemented onsite. Additionally, the CTMP was accepted by Transport for NSW prior to the issuance of the Construction Certificate (Item 31 of the Construction Certificate Documentation Table).	Compliant
Vehicular Crossing Application				
C33	Prior to the commencement of construction, a vehicular crossing application shall be submitted to and approved by the relevant Roads Authority in accordance with the relevant Roads Authority's requirements and the <i>Roads Act 1993</i> (NSW).	Construction	During the Site Inspection (21 June 2023), it was identified that the site is considered as one Lot, the roads onsite are considered private roads (owned by Gazcorp). Therefore vehicular crossing application is not required. Gazcorp also confirmed that all internal private roads will still be designed to Council requirements.	Compliant
Intersection Works				
C34 MOD1	Prior to the commencement of construction, the Applicant must submit a detailed design of the signalised intersection of the site access (part of the future SLR) and Wallgrove Road. The detailed design must: (a) be prepared and endorsed by a suitably qualified engineer; (b) be approved by TfNSW as the roads authority under the <i>Roads Act 1993</i> (NSW); (c) include detailed civil design plans; (d) include a swept path analysis; and (e) be generally in accordance with the Concept Plan in Appendix 3 of this consent.			
C35	Prior to commencement of construction of the intersection, the Applicant must enter into a Works Authorisation Deed for the signalised intersection with TfNSW.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the detailed design of the signalised intersections were submitted and approved by TfNSW (as indicated by Item 33 of the Construction Certificate Documentation Table).	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C36	Prior to the issue of any Occupational Certificate, the signalised intersection of the site access and Wallgrove Road must be constructed and approved for use by TfNSW.	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C36A MOD2	Within 3 months of the date of the MOD 2 consent, the Applicant must provide to the Planning Secretary, a list of recommendations to minimise the safety risks identified in the Road Safety Audit titled <i>Momentum Industrial Estate, Eastern Creek Concept design road safety audit</i> prepared by DC Traffic Engineering dated 19 December 2022. The Applicant must include a timetable for implementing the recommendations, to the satisfaction of the Planning Secretary.	Construction	The close out comments in Appendix A of the document titled 'Concept design road safety audit' provided to JBS&G and DPE by Gazcorp are considered to satisfy this condition.	Compliant
Operating Conditions				
C37	The Applicant must provide a minimum of 223 on-site car parking spaces (including at least 5 spaces for people with disabilities at a rate of two per 100 parking spaces) for use during operation of the Development.	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C37A MOD2	The Applicant must ensure all estate roads are line marked and include signage in accordance with relevant Australian Standards and Austroads guidelines.	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C37B MOD2	Prior to the commencement of operation of the estate roads, the Applicant must install No Stopping signs for the full length of the estate roads within the development.	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C37C MOD2	The Applicant must enforce the No Stopping restrictions to ensure vehicles do not park along the estate roads within the development.	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C38	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of <i>AS 2890.1:2004 Parking facilities Off-street car parking</i> (Standards Australia, 2004) and <i>AS 2890.2:2002 Parking facilities Off street commercial vehicle facilities</i> (Standards Australia, 2002); (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant Austroads guidelines; (c) the Development does not result in any vehicles queuing on the public road network; (d) heavy vehicles and bins associated with the Development are not parked on local roads or footpaths in the vicinity of the site; (e) all vehicles are wholly contained on site before being required to stop; (f) all loading and unloading of materials is carried out on-site; (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; (h) all trucks leaving the site having had access to unpaved or contaminated areas shall depart via a wheel wash facility to prevent mud, dust or debris from being deposited on public roads. A wheel wash facility must be installed prior to the commencement of the removal of fill from the site in accordance with best practice or industry standard; and (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times. 	At all times	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C39	The Applicant shall provide bicycle racks and amenity and change room facilities for cyclists in accordance with <i>Planning Guidelines for Walking and Cycling</i> (NSW Department of Infrastructure, Planning and Natural Resources, Roads and Traffic Authority, December 2004).	At all times	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Operational Traffic Management Plan				
C40	<p>Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by Condition DS and must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person(s); (b) be prepared in consultation with Council and TfNSW; (c) estimate the numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation; (d) provide measures to ensure the unhindered movement of authorised vehicles to the Warragamba to Prospect Pipeline; (e) detail the access and parking arrangements for operational vehicles to ensure road and site safety, and demonstrate that there will be no queuing on the public road network; (f) include details of proposed truck parking to ensure this is managed in an orderly manner; and (g) include a Driver Code of Conduct that details traffic management measures to be implemented during operation to: <ul style="list-style-type: none"> i. minimise impacts of the Development on the local and regional road network; ii. minimise conflicts with other road users; iii. ensure truck drivers use specified routes and minimise traffic noise during night-time hours; and iv. manage/control pedestrian movements. 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C41	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence operation until the OTMP is approved by the Planning Secretary; and (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the Development 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Workplace Travel Plan				
C42	Prior to the commencement of operation of the Development, the Applicant must prepare a Workplace Travel Plan (WTP) for the Development to the satisfaction of the Planning Secretary. The WTP must form part of the OEMP required by Condition D5 and must: <ul style="list-style-type: none"> (a) be prepared in consultation with TfNSW; (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site. 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C43	The Applicant must: <ul style="list-style-type: none"> (a) not commence operation until the WTP is approved by the Planning Secretary; and (b) implement the most recent version of the WTP approved by the Planning Secretary for the duration of the Development. 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
SOILS, WATER QUALITY AND HYDROLOGY				
Imported Soil				
C44	The Applicant must: <ul style="list-style-type: none"> (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Department upon request. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that no soil material has been brought onto the site or intended to be brought onto site.	Compliant
Erosion and Sediment Control				
C45	Prior to the commencement of any construction or other surface disturbance, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the <i>Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book</i> (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition D2.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the requirements for sediment and erosion control are being implemented, in line with the approved CEMP. Photos were taken onsite by JBS&G to confirm this.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Dam Dewatering				
C46	Dewatering of the dam shall be carried out so that there are no flows from the Site onto adjoining properties or roadways.	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the dewatering of dams did not result in flows onto adjoining properties or roadways. This achieved by use of swales and sediment fences.</p> <p>Sediment fencing is present on the north and east side of site. Cherrie Civil are installing sediment/erosion controls in the necessary areas as they move to new areas of the site for completion of earthworks.</p> <p>Photos were taken onsite by JBS&G to confirm this.</p>	Compliant
Stormwater Management System				
C47	<p>Prior to the commencement of construction, the Applicant must design, install and operate a stormwater management system for the Development. The system must:</p> <ul style="list-style-type: none"> (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with Council; (c) be generally in accordance with the conceptual design in the EIS; (d) be in accordance with applicable Australian Standards; (e) ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines; and (f) be in accordance with the <i>Fairfield City Council Stormwater Management Policy September 2017</i>. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that this was part of the construction certificate (CC).</p> <p>Item 3 of the CC Documentation Table is a 'Civil Design Certificate' prepared by Orion Consulting Pty Ltd.</p> <p>JBS&G reviewed this Civil Design Certificate and confirmed that it complied with requirements (a) to (f) of condition C47.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C48	<p>Prior to the commencement of construction, a certificate must be submitted to Certifying Authority, certifying that:</p> <ul style="list-style-type: none"> (a) satisfactory arrangements have been made for the disposal of stormwater; (b) the Development will not impede or divert natural surface runoff so as to cause a nuisance to adjoining properties; (c) the drainage system has been designed to an Average Recurrence Interval (ARI) of not less than 5/20/100 years; and (d) the on-site detention system has been designed in accordance with Council's Engineering Guidelines to restrict the total discharge from the site to current discharge for all storms up to and including the 100-year storm event and restrict the peak discharge from the site for the 100 year 9- hour storm event to 140/1/s/ha. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the certificate referenced in condition C48 has been submitted to the Certifying Authority. The Design Compliance Certificate - Stormwater Pits & Culvert Base Slab was prepared prior to the issuance of the Construction Certificate (identified as Item 37 in the Construction Certificate Documentation Table).	Compliant
C49	Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage, on-site detention system and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority and Council.	Operation	During the Site Inspection (21 June 2023), Gazcorp confirmed the requirements to obtain an occupation certificate will be completed closer to the issue of the final Occupation Certificate.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C50	<p>Prior to the issue of the final Occupation Certificate, works-as-executed drawings signed by a Registered Surveyor are to be submitted to the Certifying Authority and Council to verify that the drainage works have been completed in accordance with the approved plans. The works-as-executed plans shall show in red:</p> <ul style="list-style-type: none"> (a) sufficient levels and dimensions to verify the on-site detention storage volumes; (b) location and surface levels of all drainage pits, weir levels and dimensions; (c) invert levels of the internal drainage lines, orifice plates and outlet control pit; (d) finished floor levels of structures such as units and garages; (e) verification that the orifice plates have been fitted and the diameter of the fitted plates; (f) verification that a trash screen is installed; (g) location and levels of any overland flow paths through the site; and (h) details of any variations made from approved plans. 	Operation	During the Site Inspection (21 June 2023), Gazcorp confirmed the requirements to obtain a occupation certificate will be completed closer to the issue of the final Occupation Certificate.	Compliant
C50A MOD2	Prior to the issue of a Subdivision Works Certificate, the Applicant must construct the swale drain along the northern site boundary connecting Lot 11/12 to Reedy Creek.	Construction	Note.	Not triggered
Flood Management				
C51	All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the requirements for flood management will be met.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Operational Water Management Plan				
C52	<p>Prior to the commencement of operation, the Applicant must prepare an Operational Water Management Plan (OWMP) to the satisfaction of the Planning Secretary. The OWMP must form part of the OEMP required by Condition D5 and must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person(s); (b) be prepared in consultation with Council and DPIE Waler; (c) detail water use, metering, disposal and management on-site; (d) contain a Surface Water Management Plan (SWMP), including: <ul style="list-style-type: none"> i. a program to monitor: <ul style="list-style-type: none"> • surface water flows and quality; • surface water storage and use; and • sediment basin operation; ii. sediment and erosion control plans; iii. surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and iv. a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria. 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
C53	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence operation until the OWMP is approved by the Planning Secretary; and (b) implement the most recent version of the OWMP approved by the Planning Secretary for the duration of the Development. 	Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
AIR QUALITY				
Dust Minimisation				
C54	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C55	<p>During construction, the Applicant must ensure that:</p> <ul style="list-style-type: none"> (a) exposed surfaces and stockpiles are suppressed by regular watering; (b) all trucks entering or leaving the site with loads have their loads covered; (c) trucks associated with the Development do not track dirt onto the public road network; (d) public roads used by these trucks are kept clean; and (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces. 	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the requirements to reduce dust are being met. Specifically, two water carts are used onsite and use the site's internal roads for movement (i.e. they do not use public roads). These water carts obtain water from the onsite dams and a connection to the Water NSW pipeline (northerly adjacent to the site). JBS&G observed the water carts onsite and photos were also taken.</p>	Compliant
AIR QUALITY				
C56	<p>Prior to the commencement of construction works, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP must form part of the CEMP required by Condition D2 and be prepared in accordance with Condition D1. The CAQMP must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person(s); (b) detail and rank all emissions from all sources of the Development, including particulate emissions; (c) demonstrate compliance with the <i>Protection of the Environment Operations Act 1997</i> (NSW) and its associated regulations; (d) demonstrate that no offensive odours would be delectable beyond the boundary of the premises; (e) identify the control measures that that will be implemented throughout construction works; (f) describe measures to identify non-compliances and strategic measures to manage any non compliance; and (g) describe proactive and reactive management strategies. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that there have been no changes to the Construction Air Quality Management Plan (CAQMP) and that no additional CAQMP have been written and/or implemented for external works. Burton's traffic activities fall under the same CAQMP.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status													
NOISE																	
Hours of Work																	
C57	<p>The Applicant must comply with the hours detailed in Table 5, unless otherwise agreed in writing by the Planning Secretary.</p> <p>Table 5: Hours of Work</p> <table><tr><td>Activity</td><td>Day</td><td>Time</td></tr><tr><td rowspan="3">Earthworks and construction</td><td>Monday – Friday</td><td>7 am to 6 pm</td></tr><tr><td>Saturday</td><td>8 am to 1 pm</td></tr><tr><td>Sundays or Public Holidays</td><td>No work is permitted</td></tr><tr><td>Operation</td><td>Monday – Sunday</td><td>24 hours</td></tr></table>	Activity	Day	Time	Earthworks and construction	Monday – Friday	7 am to 6 pm	Saturday	8 am to 1 pm	Sundays or Public Holidays	No work is permitted	Operation	Monday – Sunday	24 hours	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the timings listed in condition are being adhered to. They also confirmed that there have not been any occasions that they have worked outside of these hours.	Compliant
Activity	Day	Time															
Earthworks and construction	Monday – Friday	7 am to 6 pm															
	Saturday	8 am to 1 pm															
	Sundays or Public Holidays	No work is permitted															
Operation	Monday – Sunday	24 hours															
C58	<p>Works outside of the hours identified in Condition C57 may be undertaken in the following circumstances:</p> <ul style="list-style-type: none">(a) works that are inaudible at the nearest sensitive receivers;(b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or(c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that there have not been any works outside of the identified hours including emergency events.	Compliant													
Construction Noise Limits																	
C59	<p>The Development must be constructed to achieve the construction noise management levels detailed in <i>the Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 6.</p>	Construction	Note	Not triggered													

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Construction Noise Management Plan				
C60	<p>Prior to the commencement of construction, the Applicant must prepare a Construction Noise Management Plan (CNMP) for the Development to the satisfaction of the Planning Secretary. The CNMP must form part of a CEMP required by Condition D2 and must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced noise expert whose appointment has been endorsed by the Planning Secretary; (b) be approved by the Planning Secretary prior to the commencement of construction of each stage of the Development; (c) describe procedures for achieving the noise management levels in EPA's <i>Interim Construction Noise Guideline</i> (DECC, 2009) (as may be updated or replaced from time to time); (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers; (e) include strategies that have been developed with the community for managing high noise generating works; and (f) describe the community consultation undertaken to develop the strategies in (e); and (g) include a complaints management system that would be implemented for the duration of the Development. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that there have been no changes to the construction noise management plan (CNMP) for the development and that no additional CNMP has been written and/or implemented for external works.	Compliant
C61	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence construction of any relevant stage until the CNMP is approved by the Planning Secretary; and (b) implement the most recent version of the CNMP approved by the Planning Secretary for the duration of construction. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the construction noise management plan (CNMP) was approved with the CEMP for the development prior to the commencement of works (part of the CEMP for the construction certificate).	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status															
Operational Noise Limits																			
C62 MOD1	<p>The Applicant must ensure the Development does not exceed noise limits in Table 6 below or the project specific noise trigger levels determined by a noise verification required by condition A13A, whichever is lower, at the receivers shown in Figure 6 in Appendix 5:</p> <p>Table 6: Noise Limits db(A)</p> <table border="1"> <thead> <tr> <th>Location</th><th>Day LAeq(15 minute)</th><th>Evening LAeq(15 minute)</th><th>Night LAeq(15 minute)</th><th>Night LAmax</th></tr> </thead> <tbody> <tr> <td>Residential receivers</td><td>48</td><td>43</td><td>38</td><td>52</td></tr> <tr> <td>Industrial development to the south</td><td>51</td><td>51</td><td>51</td><td></td></tr> </tbody> </table> <p>Note: Noise generated by the Stage 1 Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (2207) (as may be updated or replaced from time to time). Refer to the plan in Appendix 5 for the location of the residential sensitive receivers.</p>	Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LAmax	Residential receivers	48	43	38	52	Industrial development to the south	51	51	51		Operation	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LAmax															
Residential receivers	48	43	38	52															
Industrial development to the south	51	51	51																
Noise Wall																			
C63	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) complete the noise wall along the southern boundary of the site shown in Figure 6 in Appendix 5 within six (6) months of commencing any construction including bulk earthworks. (b) consider the use of noise absorptive material in the construction of the noise wall; and (c) ensure that the design of the noise wall is endorsed by a suitably qualified and experienced noise expert. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the design of the noise wall construction has been approved by acoustics engineers. They are currently receiving quotes for pricing of the material. Gazcorp confirmed that the noise wall will be completed before the 6-month limit (September) identified in the condition.	Compliant															

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Post-Operation Noise Verification Report				
C64	<p>A noise verification report must be submitted to the Department within three months of the commencement of use of the Development. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:</p> <ul style="list-style-type: none"> (a) an analysis of compliance with noise limits specified in Condition C62; (b) an outline of management actions to be taken to address any exceedances of the limits specified in Condition C62; and (c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level. 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
C65	<p>The Applicant shall:</p> <ul style="list-style-type: none"> (a) implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the Development (including low frequency noise and traffic noise); (b) minimise the noise impacts of the Development during adverse meteorological conditions; (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 consent. 	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that full-time noise monitoring (several locations on south-side) and vibration monitoring (several locations on north-side - near Sydney Water pipe) is being undertaken during the construction phase of the project.</p> <p>Photos were taken by JBS&G confirming these were onsite.</p> <p>Cherrie Civil also confirmed that all machinery used in construction activities was well-maintained and does not idle unnecessarily (reducing noise).</p> <p>Noise and Vibration Monitoring Reports prepared by Acoustic Logic confirmed that no noise or vibration exceedances have occurred thus far during site construction.</p> <p>As the site is still in the construction phase operational noise and vibration monitoring cannot occur yet.</p>	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Road Traffic Noise				
C66	Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the Development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the Development.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the Driver Code of Conduct and induction training for the development has been completed. The Driver Code of Conduct is identified as Item 40 in the Construction Certificate Documentation Table. Light vehicles etc. are limited to 20km/h onsite. Scrapers are not limited as they operate in more isolated locations.	Compliant
VIBRATION				
Vibration Criteria				
C67	Vibration caused by construction at any residence or structure outside the site must be limited to: (a) for structural damage, the latest version of <i>DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures</i> (German Institute for Standardisation, 1999); and (b) for human exposure, the acceptable vibration values set out in the <i>Environmental Noise Management Assessing Vibration: a technical guideline</i> (DEC 2006) (as may be updated or replaced from time to time).	Construction	Note	Not triggered
C68	Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition C67.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that vibratory compactors are not used closer than 30 metres to residential buildings (closest residential building over 150m from site boundary).	Compliant
C69	The limits in Conditions C67 and C68 apply unless otherwise outlined in a CNMP, approved as part of the CEMP required by Condition D2 of this consent.	Construction	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
ABORIGINAL HERITAGE				
Aboriginal Cultural Heritage Management Plan				
C70	Before the commencement of any clearing or construction works, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the Development to protect and manage 45-5-3684 O/VR 1 Prospect), WR2 and the area of archaeological sensitivity next to Reedy Creek to the satisfaction of the Planning Secretary. The ACHMP must form part of the CEMP required by Condition D2 and must: <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties; (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the Development; and (c) describe the measures to protect the Aboriginal artefacts in perpetuity. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the Aboriginal Cultural Heritage Management Plan (ACHMP) was prepared in accordance with the requirements and was signed off as part of the CEMP. This ACHMP included site induction for the development, specifically discussing unexpected finds.	Compliant
C71	The Applicant must: <ul style="list-style-type: none"> (a) not commence construction until the ACHMP is approved by the Planning Secretary; and (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the Development. 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the most recent Aboriginal Cultural Heritage Management Plan (ACHMP) is the same as that included in the CEMP, which has been approved by the Planning Secretary. The ACHMP was included as part of the CEMP and was used to inform the Construction Certificate (Item 42 in the Construction Certificate Documentation Table).	Compliant
Unexpected Finds Protocol				
C72	If any item or object of Aboriginal heritage significance, or relic as defined by the <i>Heritage Act 1977</i> (NSW) is identified on site: <ul style="list-style-type: none"> (a) all work in the immediate vicinity of the suspected Aboriginal item, object or relic must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) the Heritage Division of the Department of Premier and Cabinet (the former Heritage Division of the OEH) (or in relation to a relic, the Heritage Council) must be contacted immediately. 	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C73	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> (NSW).	At all times	Note	Not triggered
BIODIVERSITY AND BIOSECURITY				
C74	<p>Prior to the issue of a Construction Certificate, the Applicant must prepare a Biodiversity Staging Plan which must:</p> <ul style="list-style-type: none"> (a) be approved by the Planning Secretary; (b) detail the proposed staging of site clearing works for the entire development; (c) detail the number and type of credits required to be retired for Stage 1, and all subsequent stages proposed in (b); (d) ensure the relevant biodiversity credits are retired prior to the corresponding site clearing identified in (b); (e) ensure the minimum biodiversity credits to be retired are: <ul style="list-style-type: none"> i. 173 ecosystem credits for the Biometric Vegetation Type HN529 or HN526 in the Cumberland-Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion; ii. 56 ecosystem credits for the either Biometric Vegetation Type HN528 or HN526 in the Cumberland-Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion; iii. 30 ecosystem credits for the Biometric Vegetation Type HN526 in the Cumberland Hawkesbury/Nepean IBRA subregions or any adjoining IBRA subregion; and iv. an additional offset credit calculated based on a habitat polygon created for <i>Primelea Spicata</i> within the vegetated south-eastern portion of the site in accordance with the (former) OEH's <i>Framework for Biodiversity Assessment</i> (FBA) and the <i>Biobanking Assessment Methodology 2014</i> (BBAM); (f) detail the proposed methodology for securing the appropriate biodiversity credits; and 	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that a Biodiversity Staging Plan for the development has been prepared and meets all requirements of the condition. The plan was approved by DPE on 3 August 2022 (Item 43 of the Construction Certificate Documentation Table).	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
	(g) outline the procedure to be followed if the relevant biodiversity credits are not available for purchase, in accordance with Condition C76.			
C75	Prior to the issue of a Construction Certificate, the Applicant must purchase and retire 36 species credits for the species Southern Myotis (<i>Myotis Macropus</i> – breeding habitat).	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed the biodiversity offset credits have been purchased as evidenced in the Construction Certificate Documentation Table (Item 44).	Compliant
C76	Should any of the credits required by Condition C74 not be available for purchase, the Applicant must: <ul style="list-style-type: none"> (a) place an expression of interest for the purchase of those credits; (b) liaise with Heritage Division of the Department of Premier and Cabinet (former OEH) and Councils to obtain a list of potential sites that meet the requirements for offsetting; and (c) consider properties for sale in the required area; or (d) provide evidence of why offset sites are not feasible and propose an alternative in an offset strategy to be approved by the Planning Secretary. <p>Note: If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the (former) OEH's NSW Biodiversity Offsets Policy for Major Projects 2014</p>	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed the biodiversity offset credits have been purchased as evidenced in the Construction Certificate Documentation Table (Item 44).	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C77	<p>Prior to the commencement of construction, the Applicant must prepare a Vegetation and Riparian Management Plan (VRMP) for the Development to the satisfaction of the Planning Secretary. The VRMP must form part of the CEMP required by Condition D2 and the OEMP required by Condition D5. The VRMP must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with Council and DPIE Water; (b) be prepared in accordance with the <i>Guidelines for Vegetation Management Plans on Waterfront Land</i> (Department of Primary Industries - Office of Water, 2012); (c) include a strategy to maintain conservation areas in perpetuity; (d) provide for delineation (fencing, bollards or similar) and interpretative signage at an early stage of the Development to prevent inadvertent access to the environmental areas during construction; (e) focus on using local provenance where revegetation is planned; (f) include a wide range of Cumberland Plain Woodland species to be planted; and (g) ensure the welfare of fauna during construction. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that no changes have been made to the Vegetation and Riparian Management Plan (VRMP) and that no additional VRMP have been written for external works.</p> <p>Gazcorp also confirmed that the VRMP will be included in the OEMP.</p>	Compliant
C78	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence construction until the VRMP is approved by the Planning Secretary; and (b) implement the most recent version of the VRMP approved by the Planning Secretary for the duration of the Development. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the Vegetation and Riparian Management Plan (VRMP) has been approved by Planning Secretary. Since the VRMP was approved with the CEMP it formed part of the construction certificate.</p>	Compliant
Pests, Vermin and Noxious Weed Management				
C79	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area. 	At all times	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that none of the workers have seen any pest/vermin onsite (fauna and flora).</p> <p>Photos taken onsite by JBS&G also did not identify any pest/vermin.</p>	Compliant
<p>Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015 (NSW).</p>				

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
HAZARDS AND RISK				
C80	The Applicant must store all chemicals, fuels and oils used on-site in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Manual</i> if the chemicals are liquids.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that no chemicals, fuels and oils stored on site. Fuels are brought in on trucks (i.e. not stored onsite). Maintenance for machinery is performed onsite by external mechanics.	Compliant
C81	In the event of an inconsistency between the requirements of Conditions C80(a) and C80(b), the most stringent requirement must prevail to the extent of the inconsistency.	At all times	Note	Not triggered
C82	Prior to the commencement of operation, an Emergency/Evacuation Plan must be prepared for the Development in accordance with <i>A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> (NSW Rural Fire Service, December 2014).	Operation	This condition is related to operation. Gazcorp will need to consider producing a Emergency/Evacuation Plan prior to the operation of the site. This will be assessed during future audits.	Not triggered
Dangerous Goods				
C83	The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's <i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i> at all times.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that nothing classed as a dangerous good is kept onsite.	Compliant
Bunding				
C84	The Applicant must 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 the EPA's <i>Storing and Handling of Liquids: Environmental Protection - Participants Handbook</i> .	At all times	During the Site Inspection (21 June 2023), Cherie Civil confirmed no chemicals, fuels or oils are stored onsite. In the event of a spill during maintenance to machinery, there are spill kits present for clean-up.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
WASTE MANAGEMENT				
Waste Storage				
C85 MOD1	Prior to the commencement of construction of warehouse building 10, the Applicant must submit the design of the waste storage area, to the satisfaction of the Planning Secretary. The waste storage area is required to be designed in consultation with Council.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the waste storage areas have been designed in consultation with Council and satisfies the Planning Secretary. This will also form a part of the Occupation Certificate.	Compliant
C86	Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that waste is secured in during Stage 1 construction works. Waste is currently limited to relatively minimal amounts of fencing, metal, timber etc. Waste stored to the north of site office and is disposed of offsite when needed.	Compliant
Refuse Management Plan				
C87	<p>Prior to the commencement of operation, the Applicant must prepare a Refuse Management Plan (RMP) for the Development to the satisfaction of the Planning Secretary. The RMP must form part of the OEMP and be prepared in accordance with Condition D5. The Plan must:</p> <ul style="list-style-type: none"> (a) detail the type and quantity of waste to be generated during operation of the Development; (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the <i>Protection of the Environment Operations Act 1997</i> (NSW), <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and the <i>Waste Classification Guideline</i> (Department of Environment, Climate Change and Water, 2009); (c) detail the materials to be reused or recycled, either on or off site; and (d) include the Applicant's Management and Mitigation Measures included in Appendix 6. 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C88	The Applicant must: (a) not commence operation until the RMP is approved by the Planning Secretary; and (b) implement the most recent version of the RMP approved by the Planning Secretary for the duration of the development.	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
Statutory Requirements				
C89	All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that all waste materials removed from site during construction will be directed to a waste management facility or other lawful premises. Cherrie Civil stated that no waste has been removed from site removed apart from asbestos waste associated with the demolition of the horse shed.	Compliant
C90	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's <i>Waste Classification Guidelines Part 1: Classifying Waste</i> (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that no liquid waste has been generated during construction at the time of this compliance report. They were aware that any liquid waste needed to be disposed of accordingly.	Compliant
C91	Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.	At all times	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that no waste has been received from offsite.	Compliant
C92	The collection of waste generated during operation of the Development must be undertaken between 7am to 10pm Monday to Friday.	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
CONTAMINATION				
C93	Prior to the commencement of earthworks, the Applicant must prepare an Unexpected Contamination Procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with Condition D2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that no changes have been made to Unexpected Contamination Procedure as outlined in the CEMP. Cherrie Civil confirmed this protocol is included in the site induction. So far, the Unexpected Contamination Procedure has been implemented for the asbestos discovered from demolition of shed.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
VISUAL AMENITY				
Landscaping				
C94	<p>Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) for the development to manage the revegetation and landscaping works on site to the satisfaction of the Planning Secretary. The LMP must form part of the OEMP required by Condition D5 and must:</p> <ul style="list-style-type: none"> (a) detail the species to be planted on-site; (b) ensure landscaping is undertaken as a minimum in accordance with the Landscape Plans prepared by Site Image contained within the EIS and as amended by the RtS and Condition C94(f) below; (c) ensure landscaping is established as early as possible; (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works; (e) be consistent with the Applicant's Management and Mitigation Measures at Appendix 6; and (f) where practicable and feasible, provide for landscaping within car parking areas and along access roads that supports tree species which, with appropriate spacing and when mature, will maximise areas of tree canopy. 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
C95	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence operation until the LMP is approved by the Planning Secretary; (b) must implement the most recent version of the LMP approved by the Planning Secretary; and (c) maintain the landscaping and vegetation on the site in accordance with the approved LMP for the life of the Development. 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
C96	Where practicable and feasible, the Applicant shall implement the perimeter landscape treatments prior to the commencement of construction, to ensure sufficient time for the establishment of a landscape buffer.	Construction	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
C97	Within three months of the commencement of operation, other than the perimeter landscape treatments, the Applicant shall provide evidence to the satisfaction of the Planning Secretary, demonstrating that the landscaping has been implemented in accordance with the LMP.	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
Offsite Visual Impact Mitigation				
C98	For a period of 12 months from the commencement of operation, the owner of any nearby residential receivers (Lot 2406 DP 1090132, Lot 2405 DP 1090132, Lot 2404 DP 1090132 and Lot 2403 DP 1090132) may ask the Applicant in writing to establish landscape screening on the receivers land to minimise the visual impacts of the Stage 1 development on their residence (including its curtilage). Upon receiving such a written request from the owner of these residences, the Applicant must implement reasonable landscape screening in consultation with the owner making the request. The landscape screening must be implemented within 12 months of receiving the written request, unless the Secretary agrees otherwise. If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
Lighting				
C99	The Applicant must ensure the lighting associated with the Development: (a) complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); 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.	At all times	This condition is regarding later phases of the development and so not reviewed as part of this compliance report.	Not triggered
Note: This condition does not apply to temporary construction and safety related signage and fencing.				

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
COMMUNITY ENGAGEMENT				
C100	The Applicant must consult with the community regularly throughout the Development, including consultation with the nearby sensitive receivers identified on Figure 6 in Appendix 5, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that community engagement processes have been organised. Consentium has a 24/7 project hotline set up and regularly updates nearby residents on the progress of the development including letter box drops.	Compliant
WATER NSW WARRAGAMBA TO PROSPECT PIPELINES CORRIDOR				
C101	Prior to the commencement of construction, a geotechnical investigation must be prepared to confirm that the proposed construction would not adversely affect the integrity of the Pipelines or stability of the embankments within the pipelines corridor.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that the geotechnical investigation referenced required by the condition was prepared. This was completed by Douglas and Partners in March 2022 and is listed as Item 47 in the Construction Certificate Documentation Table.	Compliant
C102	Adequate temporary and permanent security must be installed to prevent people and vehicles from entering the Warragamba to Prospect Pipelines Corridor.	At all times	During the Site Inspection (21 June 2023), Gazcorp confirmed when works ultimately take place nearby temporary fence will be erected and will then be replaced by permanent fence. They also confirmed that Water NSW have security personnel in proximity of the corridor each day.	Compliant
TRANSMISSION LINE EASEMENT				
C103	All works must follow the <i>Work Near Overhead Power Lines Code of Practice 2006</i> (WorkCover NSW, 2006).	At all times	Note	Not triggered
C104	Any construction and maintenance works within the easement must observe the 6 metre safe approach distance to the exposed conductors when performing work which requires that plant to approach electrical apparatus.	Construction	Note	Not triggered
C105	Any work within the easement must be carried out by an accredited person in presence of a safety observer.	At all times	Note	Not triggered
C106	Mobile plant is required to be earthed when operated within the easement.	Construction	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
WESTERN SYDNEY FREIGHT LINE CORRIDOR				
C107	<p>Prior to the issue of any Construction Certificate, the Applicant must:</p> <ul style="list-style-type: none"> (a) make allowances for the future construction of railways in the vicinity of the approved development, as agreed by TfNSW; (b) in consultation with TfNSW, prepare a regime for consultation with and approval by TfNSW for the construction of the building foundations for the development, which may include geotechnical and structural certification; (c) provide drawings, reports and other information related to the design, construction and maintenance of the approved development, to TfNSW; (d) submit drawings showing ground surface, drainage infrastructure, sub-soil profile and structural design of sub-ground support adjacent to the corridor, to the satisfaction of TfNSW; and (e) provide any other information reasonably requested by TfNSW. 	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the requirements of the Condition have been met prior to being issued Construction Certificate.</p> <p>The Compliance of SSDA Condition C107 document included in the Construction Certificate is identified as Item 48 in the Construction Certificate Documentation Table.</p>	Compliant
C108	Prior to the issue of any Occupation Certificate, relevant works-as-executed drawings must be submitted to TfNSW, in a format agreed to by TfNSW. Works-as-executed drawings must be to the satisfaction of TfNSW.	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
ADVISORY NOTES				
AN1	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the Development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
PART 4 ENVIRONMENTAL MANAGEMENT				
Management Plan Requirements				
D1	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) details of: <ul style="list-style-type: none"> i. the relevant statutory requirements (including any relevant approval, licence or lease conditions); ii. any relevant limits or performance measures and criteria; and iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> i. impacts and environmental performance of the development; ii. effectiveness of the management measures set out pursuant to paragraph (c) above; (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts are 	At all times	During the Site Inspection (21 June 2023), Gazcorp confirmed that all management plans for the Development have been prepared in accordance with the guidelines outlined in the condition. These plans make up the Development's CEMP which was signed off by the planning secretary.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
	<p>reduced to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> i. incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); ii. complaint; iii. failure to comply with statutory requirements; and <p>(h) a protocol for periodic review of the plan.</p> <p><i>Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans</i></p>			
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
D2	The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition D1 and to the satisfaction of the Planning Secretary and in consultation with TfNSW and Council.	Construction	The CEMP was approved by DPE on 22 December 2022.	Compliant
D3	<p>As part of the CEMP required under Condition D2 of this consent, the Applicant must include the following:</p> <ul style="list-style-type: none"> (a) Construction Traffic Management Plan (CTMP) (see Condition C31); (b) Erosion and Sediment Control Plan (see Condition C45); (c) Construction Air Quality Management Plan (CAQMP) (see Condition C56); (d) Construction Noise Management Plan (CNMP) (see Condition C60); (e) Aboriginal Cultural Heritage Management Plan (ACHMP) (see Condition C70); (f) Vegetation and Riparian Management Plan (VRMP) (see Condition C77); (g) Unexpected Contamination Procedure (see Condition C93); and (h) Community Consultation and Complaints Handling. 	Construction	The CEMP was approved by DPE on 22 December 2022.	Compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
D4	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence construction of the Development until the CEMP is approved by the Planning Secretary; and (b) carry out the construction of the Development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time. 	Construction	<ul style="list-style-type: none"> (a) The CEMP was approved by the Planning Secretary on 22 December 2022. Construction did not begin until March 2023. (b) Within the Site Inspection (21 June 2023), Cherrie Civil confirmed that there have been no changes to the approved CEMP (included as part of the CC). Upon review of the Air Quality Management Plan, one of the recommendations was that dust deposit gauges are to be installed and begin monitoring three months before construction commencement in order to gather baseline data. Cherrie Civil confirmed that the dust deposit gauges were not installed three months before construction commencement. 	Non-compliant

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN				
D5	<p>The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Condition D1 and to the satisfaction of the Planning Secretary. As part of the OEMP, the Applicant must include the following:</p> <ul style="list-style-type: none"> (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development; (b) describe the procedures that would be implemented to: <ul style="list-style-type: none"> i. keep the local community and relevant agencies informed about the operation and environmental performance of the Development; ii. receive, handle, respond to, and record complaints; iii. resolve any disputes that may arise; iv. respond to any non-compliance; and v. respond to emergencies. (c) include the following environmental management plans: <ul style="list-style-type: none"> i. Operational Traffic Management Plan (OTMP) (see Condition C40) ii. Workplace Travel Plan (W1P) (see Condition C42); iii. Operational Water Management Plan (OWMP) (see Condition C52); iv. Vegetation and Riparian Management Plan (VRMP) (see Condition C77) v. Refuse Management Plan (RMP) (see Condition C87); and vi. Landscape Management Plan (LMP) (see Condition C94). 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered
D6	<p>The Applicant must:</p> <ul style="list-style-type: none"> (a) not commence operation until the OEMP is approved by the Planning Secretary; and (b) operate the Development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time). 	Operation	To be reviewed in a future audit closer to commencement of use of the Development.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
D7	<p>Within three months of:</p> <ul style="list-style-type: none"> (a) the submission of an incident report under Condition D9; (b) the submission of a Compliance Monitoring and Reporting Program under Condition D13; (c) the approval of any modification of the conditions of this consent; or (d) the issue of a direction of the Planning Secretary under Condition C2(b) which requires a review, <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	At all times	<p>Gazcorp confirmed in writing that all strategies, plans and programs required under this consent were reviewed after each event detailed in Condition D7.</p> <p>No evidence of notifying the Department of these review events was provided until 30 July 2023, which is outside of the three-month window of the events detailed in Condition D7.</p>	Non-compliant
D8	<p>If necessary, to either improve the environmental performance of the Development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six (6) weeks of the review.</p> <p><i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	At all times	Note	Not triggered
REPORTING AND AUDITING				
Incident Notification, Reporting and Response				
D9	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 7.</p>	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Non-Compliance Notification				
D10	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.	At all times	Note	Not triggered
D11	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	At all times	Note	Not triggered
D12	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	At all times	Note	Not triggered
Compliance Reporting				
D13	No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	Construction	JBS&G has corresponded with the Department Planning and Environment (Department) in July 2023 as there was a discrepancy regarding which version of the Post Approval Requirements (PAR) were to be used. The Department advised that the 2018 version should be retained and that on this occasion not providing a Pre-construction Compliance Report would not have any penalties applied.	Non-compliant
D14	Compliance Reports of the Development must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	At all times	This report meets the requirement of this condition.	Compliant
D15	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.	At all times	Will be reviewed within next compliance monitoring report that this report was uploaded to the Gazcorp project website.	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Monitoring and Environmental Audits				
D16	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	At all times	Note	Not triggered

Order Term No.	Order Term	Development Phase	Compliance Report Comment	Compliance Status
ACCESS TO INFORMATION				
D17	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ul style="list-style-type: none"> i. the documents referred to in Condition C2 of this consent and the final layout plans for the development; ii. all current statutory approvals for the development; iii. all approved strategies, plans and programs required under the conditions of this consent; iv. the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; v. regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; vi. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; vii. a summary of the current stage and progress of the development; viii. contact details to enquire about the development or to make a complaint; ix. a complaints register, updated monthly; x. the Compliance Reporting of the development; xi. audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report; xii. any other matter required by the Planning Secretary; and <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	At all times	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that project specific information was available on the company website – which was required for the Construction Certificate.</p> <p>JBS&G reviewed this website and confirmed that all information required by Condition D17 is present on the website and available for public access.</p>	Compliant

Appendix D Appendix 6 Management and Mitigation Measures Compliance Table

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Construction Management				
MM1	A Construction Management Plan (CMP) will be prepared and submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.	Construction	<p>During the Site Inspection (21 June 2023), Gazcorp confirmed that the CEMP was issued to the Principal Certifying Authority prior to the release of the Construction Certificate.</p> <p>Upon review of the construction certificate the CEMP was included (as Item 5 in the Construction Certificate Documentation Table) as was the approval of the CEMP by DPE (listed as Item 4 in the same table).</p> <p>Gazcorp confirmed no amendments to the CEMP had been made and no other CEMPs have been written and/or implemented for the development.</p>	Compliant
MM2	A Works Agreement Deed is to be negotiated with the RMS and executed prior to the issue of a Construction Certificate.	Construction	Upon review of the construction certificate the Works Authorisation Deed was completed with Transport for NSW prior to the issue of the Construction Certificate (noted as Item 32 in the Documentation Table of the Construction Certificate).	Compliant
MM3	A Traffic Construction Management Plan is to be prepared and recommendations are to be implemented for the Stage 1 construction works.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the recommendations of the Traffic Construction Management Plan are being implemented onsite. This includes "Left in, left out" traffic flow into and out of the site as well as signage within the site.	Compliant
Heritage				
MM4	Prior to the Stage 1 works a program of test and salvage excavation will be undertaken on the slightly elevated land adjacent to the creek and its confluence, within the area of archaeological sensitivity that is proposed to be impacted.	Construction	<p>A test and salvage excavation program was completed on the area of potential archaeological sensitivity to inform the Aboriginal Cultural Heritage Assessment for the development. This Assessment is displayed on the Major Projects Planning Portal.</p> <p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the recommendations within the heritage impact assessment are being implemented including inductions having a slide on heritage.</p>	Compliant

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Noise				
MM5	<p>The following design elements will be included as part of the Stage 1 warehouse building:</p> <ul style="list-style-type: none"> - The southern wall of the Stage 1 building (made of Colourbond steel) will require 50mm of glasswool insulation to attenuate noise. - The roof to be constructed from minimum 0.42mm sheet metal with 50mm glasswool insulation underneath. - A noise barrier along the southern boundary will be provided. The minimum height for the screen will be 3m (above the elevation of the land), the barrier can be constructed with Colourbond, CFC sheet, Perspex or similar. - Operational noise management measures that would be implemented include: <ul style="list-style-type: none"> • Truck delivery drillers should limit the use of exhaust brakes on internal roads and Wallgrove Road. • Where practical, trucks are to be switched off whilst in the loading dock and not to be left idling. This would apply to airbrake compressors to limit discharge within the loading dock area. 	At all times	Note – design or operational aspects and will be reviewed in future compliance reports.	Not triggered
Waste				
MM6	An Operational Waste Management Plan will be prepared for the Stage 1 building prior to the occupation of the warehouse.	Operation	To be reviewed in a future compliance report closer to commencement of use of the Development.	Not triggered
Visual				
MM7	Details of the Stage 1 building colour scheme, external cladding and finishes will be provided for the approval of the Director-General prior to the commencement of construction.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed that each building has its own DA conditions which will specify design requirements further.	Compliant
MM8	Future applications will be lodged providing detail on signage and lighting for the Stage 1 building.	At all times	During the Site Inspection (21 June 2023), Gazcorp confirmed this will be done.	Compliant

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Geotechnical				
MM9	Prior to filling commencement, remove all vegetation and root affected soil from the proposed filling area.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed, all vegetation and root affected soil has been removed prior to filling. This was also viewed by JBS&G when walking around site as only soil was being spread and compacted.	Compliant
MM10	Rip the exposed surface to a depth of not less than 300mm and re-compact to a minimum dry density ratio of 98%, relative to Standard compaction, adjusting the moisture content of the ripped and re-compacted surface to within 2% of Standard optimum moisture content. Proof roll the treated surface using a minimum 10 tonne smooth drum roller in non-vibration mode. The surface should be rolled with a minimum of six passes with the last two passes observed by an experienced geotechnical engineer to detect any 'soft spots'.	Construction		
MM11	Any heaving materials identified during proof rolling should be treated as directed by the geotechnical engineer, which is likely to require the localised removal and replacement of unsuitable soil.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed, proposed filling areas have been treated to the required depth and compacted to the required specification (dry density ratio). This compaction is confirmed by a geotechnical engineer who is onsite everyday supervising operations during construction.	
MM12	Place all new filling in layers of 300 mm maximum compacted thickness. The filling should be free of oversize particles (>150 mm) and deleterious material.	Construction		
MM13	Compact all filling to a minimum dry density ratio of 98%,relative to Standard compaction, whilst maintaining a moisture content within 2% of Standard optimum moisture content. The minimum dry density ratio should be increased to 100% relative to Standard compaction within the upper 300 mm of pavement subgrades and building footprints. A maximum dry density ratio of 102% is recommended for all filling to reduce the potential for swelling post-compaction.	Construction		
MM14	Maintain the moisture within the clay until the area is covered by buildings or pavements. Recent monitoring of foundation/floor slab movement measured heave of up to 60 mm for a warehouse floor slab cast on dry clay filling.	Construction		
MM15	Density testing of the filling should be carried out in accordance with AS3798 "Guidelines for Earthworks for Commercial and Residential Developments". Filling placed beneath building platforms and pavements should be carried out to a Level 1 inspection and testing programme.	Construction		

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
MM16	Prior to placement of filling it will be necessary to pump out all existing water from the dam, remove all soft and wet sediments from the sides and base, remove all existing filling within dam embankments and strip the base of each dam to a suitable natural ground surface. Once stripped and prepared, all dams should be inspected by an experienced geotechnical engineer.	Construction		
Bushfire Protection				
MM17	Management of the Site generally, except for the vegetation within the riparian corridor to Reedy Creek, shall comply with the recommendations of Appendix A5.4 & Appendix A5.5 of Planning for Bushfire Protection 2006 and Standards for Asset Protection Zones, including: <ul style="list-style-type: none"> - Maintain a clear area of low cut lawn or pavement adjacent to the buildings; utilise non-flammable materials such as scoria, pebbles and recycled crushed bricks as ground cover to landscaped gardens in close proximity to the buildings; - Keep areas under shrubs and trees raked and clear of combustible fuels - Maintain trees and shrubs in such a manner that tree canopies are separated by 2m and understorey vegetation is not continuous. 	At all times	These requirements are mostly part of the warehouses as opposed to civils. Gazcorp will comply with all of these conditions.	Not triggered
MM18	The northern, western and southern walls of the Stage 1 Warehouse Building will be constructed to comply with BAL 40, pursuant to AS. 3959 - 2009- 'Construction of Buildings in Bushfire Prone Areas'. Louvres or vents located within these walls will be fitted to ember protection mesh comprising corrosion resistant steel or bronze mesh with a maximum aperture of 2mm.	Construction		
MM19	Roller doors will be fitted with ember protection to the head. Ventilation openings [slats] in roller doors will not be permitted.	Construction		
MM20	External seals to precast panels will be non-combustible.	Construction		
MM21	The fire-fighting water supply to the proposed building will comply with the BCA and Australian Standard AS. 2419.1 - 2005.	At all times		
MM22	A site specific evacuation plan will be prepared for each building. The Evacuation Plan shall address the requirements of A.S. 3745-2002 - 'Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces.	Operation		

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Flora and Fauna				
MM23	<p>Construction Measures</p> <ul style="list-style-type: none"> - Mark clearing limits to further reduce clearing extents and to retain potential habitat and other ecologically significant features at the edges of the clearing limits wherever practicable; - Limit vehicular and plant equipment access to this area during construction; - Install temporary fencing to mark the limits of clearing and "no-go" areas; and - Construction staff informed with regards to the status and location of protected areas during site induction and/or tool box talks. 	Construction	<p>During the Site Inspection (21 June 2023), JBS&G noted that the extent of the site had been marked.</p> <p>During the Site Inspection, Cherrie Civil also confirmed that in relation to the ecological significant areas (western and southeastern regions):</p> <ul style="list-style-type: none"> - No topsoil stripping had been undertaken - Temporary fencing will be re-installed when they return to the area. - No subcontractors are doing works onsite, just Cherrie Civil, so they will have full control over ensuring that works are undertaken without fencing. - The riparian zones are noted in GPS units onsite. <p>Cherrie Civil also confirmed during the Site Inspection that:</p> <ul style="list-style-type: none"> - when clearing the main area of the site, the trees were checked for hollows and fauna, and nothing was found. - The dams in the northwest and southwest areas of the site had been drained and the one located in the southeast area is currently being drained. No fauna was identified. 	Compliant
MM24	<p>Where clearing of vegetation and fauna habitats will take place, pre-clearing and clearing protocols are recommended that include:</p> <ul style="list-style-type: none"> - Preparation of an inventory of trees and hollows to be removed, prior to clearing; - Pre-clearance checks of hollow-bearing trees for the presence of bird nests and arboreal mammals, such as possums, gliders and bats, prior to felling; - Safe removal of animals found to be occupying trees prior to the clearing of trees and their appropriate relocation into nearby woodlands; and - Relocation of transportable features such as salvaged tree hollows, felled limber and large logs in the woodland areas to be retained to allow their continued use as fauna habitat. 	Construction		
MM25	<p>A dam drainage protocol which involves the safe removal of animals to suitable alternate locations by a suitably qualified ecologist or wildlife carer, timing of decommissioning works to non-breeding seasons for appropriate target species and implementation of chytrid protocols for ecologists and machinery entering the water to limit the transmission of disease.</p>	Construction		

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
MM26	Erosion and sediment control plans will be implemented to mitigate the impact of soil disturbance and to prevent secondary or off-site impacts, particularly impacts on adjacent native vegetation along Reedy Creek.	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the Sediment and Erosion Management Plan within the CEMP has been implemented. They also stated that a certifier comes onsite weekly to confirm that all actions are appropriate under ErSED and that any recommendations received by them are implemented.</p> <p>During the Site Inspection JBS&G confirmed that sediment controls were being implemented around the site.</p>	Compliant
MM27	Stockpiles of overburden will be managed to limit unintended soil movement away from designated compound areas into adjacent woodland.	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that stockpiles were being used to manage onsite drainage and soil-run-off.</p> <p>During the Site Inspection JBS&G confirmed that stockpiles were present and appeared to be in strategic locations. Photos were taken onsite by JBS&G to confirm this.</p>	Compliant
MM28	All work sites will be constructed and managed in accordance with 'Managing Urban Stormwater: Soils and Construction' (Landcom,2004, "Blue Book").	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the requirements for sediment and erosion control are being implemented, in line with the approved CEMP.</p> <p>Photos were taken onsite by JBS&G to confirm this.</p>	Compliant
MM29	Topsoils being stored for reapplication should be stabilised using a blanket type Method.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that they understand that the soil is to be placed in layers to allow for adequate compaction. Photos were taken onsite by JBS&G to confirm this.	Compliant
MM30	Any topsoil that is reapplied will be stabilised by seeding using a grass species native to the Cumberland Plain.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil that this will be implemented in the future (when topsoil is needed to be reapplied).	Compliant

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
MM31	<p>A Riparian Management Plan will be prepared and implemented to provide for the biodiversity improvement of the Reedy Creek riparian corridor through restoration and ongoing management. The Riparian Management Plan will include:</p> <ul style="list-style-type: none"> - Protection of the riparian corridor during construction; - Restoration and ongoing management of riparian vegetation; - Management of riparian vegetation as habitat for native wildlife; - Feral animal management; - Instructions for planting endemic species of local provenance - Weed management; - Reduction of sediment and nutrient delivery to waterways; - In-stream erosion control; - Fire management; and - Monitoring and reporting protocols. 	Construction	<p>During the Site Inspection (21 June 2023), Cherrie Civil that the Riparian Zone works will be completed last (within the civils phase) and therefore will have not begun at the time of this compliance report.</p> <p>Photos were taken during the site visit by JBS&G to confirm no works are being undertaken in or near the Reedy Creek riparian corridor at this time.</p>	Not triggered
MM32	Biodiversity credits for HN528 and HN529 vegetation communities will be purchased and offset to compensate for the clearing of relevant vegetation. The number of credits to purchased and retired will be 50% of the ecosystem credits established under the BioBanking Assessment Methodology.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed the biodiversity offset credits have been purchased as evidenced in the Construction Certificate Documentation Table (Item 44).	Compliant
Contamination				
MM33	An Unexpected Finds Protocol (UFP) will be established for site development, including set procedures in the event that asbestos or chemical contaminated soil is encountered during excavations.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the unexpected finds protocol is contained in the CEMP. Cherrie Civil confirmed that the protocol was implemented when a horse stable needed to be demolished and materials suspected of containing asbestos were identified.	Compliant
MM34	Further assessment of the dam water will be undertaken to determine an appropriate method of discharge or removal.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that the dam water was tested and no unusual or harmful aspects were identified so was deemed acceptable to be reused onsite - for dust suppression. Cherrie Civil also confirmed that the no dam water is pumped off site	Compliant

	Order Term	Development Phase	Compliance Report Comment	Compliance Status
Stormwater and Flooding				
MM35	The stormwater management system for the Masterplan will need to be designed to ensure that each development site provides peak flow reduction through OSD in accordance with the parameters set out in Appendix K in order to compensate for the lack of OSD associated with the internal access road.	Construction	During the Site Inspection (21 June 2023), Gazcorp confirmed requirements for stormwater and flooding will be implemented into the design of each building. It was stated by Gazcorp that each building will be operated as a single catchment (to allow for staging) and then feed into the onsite detention.	Compliant
MM36	The Stage 1 interim stormwater management scenario will need to be designed to provide OSD for the internal access road in accordance with the parameters set out in Appendix K.	Construction	During the Site Inspection, Gazcorp confirmed that the swale in the south-east corner is still being designed but will meet the requirements.	
MM37	At each stage of development a revised interim stormwater management system will need to be provided, until all the remaining lots have been developed at which time the OSD systems provided on all the development sites will compensate for the impervious area of the access road, as provided for under the ultimate strategy, and the temporary basins can be decommissioned.	At all times		
MM38	The stormwater treatment installed will need to remove the pollutant loads for total suspended solids (TSS), total phosphorus (TP), total nitrogen (TN) and Gross Pollutants in accordance with Appendix K	Construction		
MM39	In order to minimise flood impacts, the efficiency of the swale located in the south-east corner of the Site is to be designed so that it operates at a similar efficiency to the existing situation.	Construction		
MM40	Erosion control measures will be implemented on the banks of Reedy Creek with consideration of the nature of the underlying soil and its susceptibility to scour.	Construction	During the Site Inspection (21 June 2023), Cherrie Civil confirmed that construction is still approximately 40m away from Reedy Creek and that they are about 2-3 months away from working in this area. Photos were taken during the site visit by JBS&G to confirm no works are being undertaken in or near the Reedy Creek riparian corridor at this time. Cherrie Civil confirmed that when works commence in this area that the appropriate erosion control measures will be implemented.	Compliant

© JBS&G



This document is and shall remain the property of JBS&G. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission.

Unauthorised use of this document in any form whatsoever is prohibited

Document Distribution

Rev No.	Copies	Recipient	Date
Rev A	1 x electronic copy	Gazcorp Pty Ltd	08/08/2023
Rev 0	1 x electronic copy	Department of Planning and Environment	31/08/2023

Document Status

Rev No.	Author	Reviewer Name	Approved for Issue Name	Signature	Date
Rev A	Juliette Willis	Angus King	S Pathammavong		08/08/2023
Rev 0	Juliette Willis	Angus King	S Pathammavong		31/08/2023



Adelaide

Kurna Country | 100 Hutt St,
Adelaide, SA 5000
T: 08 8431 7113

Brisbane

Turrbal/Yuggera Country | Level 37, 123
Eagle Street, Brisbane, QLD 4000
T: 07 3211 5350

Bunbury

Wardandi Noongar Country | 177
Spencer Street Bunbury, WA 6230
T: 08 9792 4797

Canberra

Ngunnawal Country | Level 1, The Realm
18 National Circuit Barton, ACT 2600
T: 02 6198 3278

Darwin

Larrakia Country | Suite G1, Level 1
48-50 Smith Street, Darwin NT 0800
T: 08 8943 0600

Hobart

Muwununa/Nuenon Country | Level 6,
111 Macquarie Street Hobart, TAS 7000
T: 03 6108 9054

Melbourne

Kulin Country | Level 5, 10 Queen
Street, Melbourne, VIC 3000
T: 03 9642 0599

Newcastle

Awabakal/Worimi Country | 61 / 63
Parry Street Newcastle West, NSW 2302
T: 02 8245 0300

Perth

Whadjuk Nyoongar Country | Allendale Square,
Level 9, 77 St Georges Terrace, WA 6000
T: 08 9380 3100

Sydney

Gadigal Country | Level 1, 50
Margaret Street, Sydney, NSW 2000
T: 02 8245 0300

Wollongong

Dharawal Country | Suite 1A, 280 - 286
Keira Street, Wollongong, NSW 2500
T: 02 4225 2647