

# Development Consent

## ***Section 4.38 of the Environmental Planning and Assessment Act 1979***

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

David Gainsford  
**Executive Director**  
**Infrastructure Assessments**

Sydney

12 August 2020

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## CONSOLIDATED CONSENT

### SCHEDULE 1

<b>Application Number:</b>	SSD 10420
<b>Applicant:</b>	Warakirri College
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	6A Watsford Road, Campbelltown Lot 113 in DP 1183297
<b>Development:</b>	Construction and operation of a new educational establishment, Warakirri College, including the works and activities comprising of site preparation and bulk earth works, construction of basement car parking and landscaping.

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10420-Mod-1	26 September 2022	Team Leader, School Infrastructure Assessments	Modification to amend the reduced level (RL) for the floors, lower the floor level of basement, associated changes to vertical transport and minor rearrangement of internal partitions and garden layout.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Warakirri College or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• salvage works (if any) in accordance with strategies / management plans approved by this consent;</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Campbelltown City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, for the construction and operation of a new educational establishment, Warakirri College, including the works and activities comprising of site preparation and bulk earth works, construction of basement car parking and landscaping.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment

<b>EIS</b>	Environmental Impact Statement, 6A Watsford Road, Campbelltown, SSDA for Construction of a Two Storey School Building with Basement Parking, prepared by Planning Lab dated 5 March 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 9 of the EIS.
<b>Material harm</b>	Is harm that: <ol style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ol>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act

<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>School</b>	Refers to Warakirri College at 6A Watsford Road, Campbelltown
<b>TAHE</b>	Transport Asset Holding Entity/Sydney Trains
<b>TfNSW</b>	Transport for New South Wales
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of the following maintenance works: <ul style="list-style-type: none"> <li>• public domain works</li> <li>• stormwater infrastructure works</li> </ul>
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- A1. 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.

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions **and SSD-10420-Mod-1**;
  - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Koturic & Co. Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
A-01	D	Site Plan	July 2022
A-02	C	Lower Ground Floor Plan	July 2022
A-03	D	Ground Floor Plan	July 2022
A-04	D	First Floor Plan	July 2022
A-05	C	Roof Plan	July 2022
A-06	D	Elevations	July 2022
A-07	C	Sections	July 2022
Engineering Plans prepared by Henry & Hymas			
Dwg No.	Rev	Name of Plan	Date
19712-S1.00	A	Title Sheet & Drawing List	05/08/2021
19712-S1.01	A	Construction Notes – Sheet 1	05/08/2021
19712-S1.02	A	Construction Notes – Sheet 2	05/08/2021
19712-S2.00	A	Footing Plan	05/08/2021
19712-S2.01	A	Footing Details – Sheet 1	05/08/2021
19712-S2.02	A	Footing Details – Sheet 2	05/08/2021
19712-S2.10	A	Typical Colum and Wall Details	05/08/2021
19712-S3.00	A	Lower Ground Slab Plan	05/08/2021
19712-S3.01	A	Slab on Ground Details – Lower Ground	05/08/2021
19712-S4.00	A	Ground Floor Slab Plan	05/08/2021
19712-S4.01	A	Ground Floor Slab Details	05/08/2021
19712-S4.02	A	Ground Floor – Retaining Wall Plan	05/08/2021
19712-S5.00	A	First Floor Slab Plan	05/08/2021
19712-S5.01	A	First Floor Details	05/08/2021
19712-S6.00	A	Roof Steel Framing Plan	05/08/2021
19712-S6.01	A	Steel Framing Sections – Sheet 1	05/08/2021
19712-S6.02	A	Steel Framing Sections – Sheet 2	05/08/2021

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19712-S6.03	A	Steel Details – Sheet 1	05/08/2021
19712-S6.04	A	Steel Details – Sheet 2	05/08/2021
19712-S6.05	A	Steel Details – Sheet 3	05/08/2021
19712-S6.06	A	Steel Details – Sheet 4	05/08/2021
19712-S7.00	A	Precast Panel Plan	05/08/2021
19712-S7.01	A	Precast Panel Elevations	05/08/2021
19712-S7.02	A	Typical Pre-Cast Panels Details	05/08/2021
19712-S8.00	A	Stair Details	05/08/2021
19712-S10.00	A	Rail Corridor Details – Sheet 1	05/08/2021
19712-S10.01	A	Rail Corridor Details – Sheet 2	05/08/2021
<b>Landscape Plans prepared by Impact Planners Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
541-L1	H	Landscape Plan	12/09/22
541-L2	E	Planting Plan	12/09/22

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (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;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. 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 A2(c)A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

### Student and Staff Numbers

- A6. The maximum number of students and staff permitted on the school at any one time is limited to:
- (a) 120 students; and
  - (b) 14 staff.

### Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### Planning Secretary as Moderator

- A8. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.



## Evidence of Consultation

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (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.

## Staging

- A10. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11. A Staging Report prepared in accordance with Condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

## Staging, Combining and Updating Strategies, Plans or Programs

- A14. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design 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 (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or 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).

- A15. Any strategy, plan or program prepared in accordance with Condition A14A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design 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.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### Structural Adequacy

- A18. 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 BCA.

#### Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, 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.

### External Walls and Cladding

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### Applicability of Guidelines

- A20. 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.
- A21. 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.

### Monitoring and Environmental Audits

- A22. 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, Site audit report and independent auditing.

**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.

### Access to Information

- A23. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
- (i) the documents referred to in Condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;

- (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - (v) 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;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### Compliance

A24. 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.

### Incident Notification, Reporting and Response

- A25. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### Non-Compliance Notification

- A27. The Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A28. The 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.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Revision of Strategies, Plans and Programs

- A30. Within three months of:
- (a) the submission of an incident report under Condition A25;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) the issue of a direction of the Planning Secretary under Condition A3 which requires a review.

The strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary and / or Certifier (where relevant). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

**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.

### Works Within Transport Asset Holding Entity's Property

- A31. This consent does not allow any rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces within Transport Asset Holding Entity/Sydney Trains (TAHE) property or easements.
- A32. No work is permitted within the rail corridor (including airspace), or any easements which benefit TAHE/Sydney Trains, at any time, unless the prior approval of, or an Agreement with, TAHE/Sydney Trains has been obtained by the Applicant.

### Consultation with TAHE/Sydney Trains

- A33. Where a condition of consent requires consultation with and/or the approval of TAHE/Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant TAHE/Sydney Trains external party interface team via email at [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

**PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE****Rail Related Information for TAHE/Sydney Trains**

- B1. Prior to the issue of a construction certificate, the Applicant must submit the following information, prepared in accordance with the relevant Asset Standards Authority (ASA) requirements, to TAHE/Sydney Trains for review, comment and approval:
- (a) a Geotechnical and Structural Report/Drawings based on actual borehole testing conducted on the site closest to the rail corridor. If impacts on the rail corridor are anticipated, the report must detail the potential impacts and mitigation measures that would be undertaken during construction;
  - (b) a construction methodology which includes construction details pertaining to structural support during excavation;
  - (c) cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All horizontal and RL measurements are to be verified by a Registered Surveyor; and
  - (d) a detailed Survey Plan showing the relationship of the proposed development with respect to TAHE/Sydney Trains rail corridor (land and/or easements)
- B2. Prior to the issue of a construction certificate, the Applicant must prepare a Risk Assessment and Management Plan and detailed Safe Work Method Statement (SWMS) which details any impacts on the rail corridor. The Plan and SWMS must be submitted to TAHE/Sydney Trains for review, comment and approval.
- B3. Prior to the issue of a construction certificate, the Applicant must prepare a Track (and/or ground vibration) Monitoring Plan which details the instrumentation and the monitoring regime to be used during the excavation and construction phases. The Plan must be submitted to TAHE/Sydney Trains for review, comment and approval.
- B4. Prior to the issue of a construction certificate, the Applicant must engage a suitably qualified Electrolysis Expert to prepare an Electrolysis Report to the development from stray currents. Any recommendations provided in the Report must be incorporated into revised construction drawings and documentation for the project. A copy of this report must be provided to the Certifying Authority with the application for a construction certificate.

**Modified plans**

- B5. To ensure that the roots and foliage of trees being planted along the southern boundary of the site would have no impact on the rail corridor and its operations, the Applicant must submit an amended landscape plan and planting schedule to the satisfaction of TAHE/Sydney Trains. A copy of the approved landscape plan must be submitted to the Certifier for information.

***Note:** The Certifier must not issue a construction certificate until written confirmation has been received by TAHE/Sydney Trains indicating that this condition has been met.*

**Operational Car Parking, Bicycle Parking, End-of-Trip Facilities and Service Vehicle Layout**

- B6. Prior to the issue of any construction certificate, evidence of compliance of the proposed access and parking arrangements with the following requirements must be submitted to the satisfaction of the Certifier:
- (a) all vehicles are able to enter and leave the site in a forward direction;
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2 (where applicable);
  - (c) the layout, and design of all on-site car parking and visitor car spaces (including basement carparking spaces) must comply with latest versions of AS2890.1 and AS 2890.6 (for disabled parking spaces);
  - (d) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (e) end-of-trip facilities for staff are provided within the site; and

- (f) ramps to the basement car parks are designed in accordance with AS 2890.1-2004.
- B7. The vehicle crossing and corresponding layback in the road reserve must comply with Council standard drawing SD-R10 Sheets 1 & 2.

**Note:** A separate construction certificate is required for vehicular crossing and works within the road reserve.

### Drainage in Basement Car Parks

- B8. Prior to the issue of a construction certificate for the basement car park, detailed design plans for stormwater drainage within the basement car parking areas must be provided to the satisfaction of the Certifier to demonstrate that:
- (a) a dual pump system has been designed in accordance with Council's Engineering Design Guide for Development;
  - (b) a backflow prevention device has been incorporated on the pump-out system; and
  - (c) the additional stormwater flows from this system includes additional water quality treatment measures to achieve the stormwater targets provided in Council's Engineering Design Specifications.

### Operational Noise – Design of Mechanical Plant and Equipment

- B9. Prior to the issue of any construction certificate, the Applicant must submit detailed design plans to the satisfaction of the Certifier to demonstrate that the noise generated by the mechanical plant and equipment comply with the noise emission criteria for the nearest sensitive receiver, as specified in the DA Acoustic Assessment, dated 20/05/2020 (Revision 3) prepared by Acoustic Logic have been incorporated.

### Acoustic Treatments

- B10. The construction certificate plans must demonstrate that the recommended acoustic treatments in Section 4.4 of the DA Acoustic Assessment, dated 20/05/2020 (Revision 3) prepared by Acoustic Logic have been incorporated in the design of the building to prevent rail noise intrusion.
- B11. A suitably qualified Acoustic Consultant must certify that the recommended measures as required by Condition B10 achieves compliance with the Development Near Rail Corridors and Busy Roads - Interim Guidelines (Department of Planning 2008). A document of this certification must be submitted to the Certifier for their information.

### Public Liability Insurance

- B12. The Applicant is to contact TAHE/Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover (if required). If insurance cover is deemed necessary, the sum is to be determined by TAHE/Sydney Trains and must be maintained for the duration specified by TAHE/Sydney Trains. Prior to the issue of any Construction Certificate, the Certifying Authority must witness written proof of this insurance in conjunction with written advice from TAHE/Sydney Trains to the Applicant advising on the level of insurance required.



## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. For works occurring adjacent to the rail corridor, the Applicant must notify TAHE/Sydney Trains in writing at least 5 business days before, and on the day of, commencing works.
- C3. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Certified Drawings

- C4. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### Survey Report

- C5. Prior to the commencement of any works, a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE/Sydney Trains' land and easements. A copy of the Survey Report indicating the location of pegs must be provided to Sydney Trains.

### Development Contributions

- C6. Prior to commencement of construction, a Section 7.12 levy totalling \$40,527.38, is to be paid to Council in accordance with Section 7.12 of the EP&A Act and The Campbelltown Local Infrastructure Contributions Plan 2018. Prior to payment Council can provide the value of the indexed levy.

### External Walls and Cladding

- C7. Prior to the commencement of construction, the Applicant must provide the Certifier 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 BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Fencing

- C8. Prior to the commencement of construction, appropriate fencing must be in place along the adjacent rail corridor to prevent unauthorised access during construction. Details of the type of fencing and the method of erection are to be provided to TAHE/Sydney Trains for review, comment and approval, prior to the installation of any fencing that is adjacent to the rail corridor.

### Protection of Public Infrastructure

- C9. Prior to the commencement of construction, the Applicant must:
  - (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, Certifier and Council.

### Pre-Construction Dilapidation Report

- C10. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

### Unexpected Contamination Procedure

- C11. 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 Construction Environmental Management Plan (CEMP) in accordance with Condition C15 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

### Outdoor Lighting

- C12. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### Stormwater Management System

- C13. Prior to the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

- (a) be designed by a suitably qualified and experienced person(s) in consultation with Council;
- (b) be generally in accordance with the conceptual design in the EIS as listed in the following plans:

Stormwater Services Plans prepared by Koturic & Co Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
SW-00	P3	Hydraulic Services Cover Sheet, Legend & Drawing Schedule	September 2019
SW-01	P3	Hydraulic Services Site Plan Stormwater Concept Plan	September 2019
SW-02	P3	Hydraulic Services Roof Plan Stormwater Concept Plan	September 2019
SW-03	P3	Hydraulic Services Detail Sheet	September 2019
SW-04	P3	Hydraulic Services Sediment & Erosion Control Plan	September 2019

- (c) be in accordance with applicable Australian Standards and Council's Engineering Design Guide for Development;
- (d) demonstrate that the post development flows are limited to be the same as the pre-development flows from the site;
- (e) include details of an onsite detention system (if any needed) to comply with the requirements of Condition C13(d);
- (f) include details demonstrating that the stormwater pipeline within the Watsford Road reserve would be of reinforced concrete with a minimum diameter of 375mm (minimum Class 3);
- (g) ensure that the system does not discharge into the adjacent rail corridor, unless prior written approval has been obtained from TAHE/Sydney Trains;
- (h) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (i) include details of all on-site retention/detention and water quality treatment systems are to be individually signposted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual; and



- (j) ensure that a rainwater reuse/harvesting system for the development is incorporated and certified by a suitably qualified hydraulic engineer.

**Environmental Management Plan Requirements**

C14. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

**Construction Environmental Management Plan**

C15. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling, including details of key people to be consulted during the design and construction phases and procedures and mechanisms for meaningful consultation with key stakeholders and members of the community;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see Condition C17);
- (c) Construction Noise and Vibration Management Sub-Plan (see Condition C18);
- (d) Construction Waste Management Sub-Plan (see Condition C19C19);
- (e) Construction Soil and Water Management Sub-Plan (see Condition C20C20);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

C16. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

C17. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and

- (d) detail heavy vehicle routes, access and parking arrangements.
- C18. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in Condition C18(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with Condition C14.
- C19. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- C20. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction;
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site;
  - (e) provide details to confirm that, all erosion and sediment controls would be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI and 1 in 5-year ARI.

### Soil and Water

- C21. Prior to the commencement of construction, the Applicant must install erosion and sediment control measures on the site in accordance with the CSWMP in Condition C20 of this consent.

### Construction Worker Transportation Strategy

- C22. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

### Operational Waste Storage and Processing

- C23. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### Cranes and Aerial Operations

- C24. Prior to the issuing of a Construction Certificate, the Applicant must submit to TAHE/Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all TAHE/Sydney Trains requirements.

**Note:** The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the TAHE/Sydney Trains confirming that this condition has been satisfied.

### Public Domain Works

- C25. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### TAHE/Sydney Trains Representative

- D2. During construction, the Applicant must ensure that at all times they have a representative (which has been notified to TAHE/Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with the correspondence issued by TAHE/Sydney Trains;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to TAHE/Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of TAHE/Sydney Trains, as notified by the Applicant.
- D3. Unless advised by TAHE/Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

### Consultation

- D4. Where a condition of consent requires consultation with TAHE/Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is West Interface and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

### Operation of Plant and Equipment

- D5. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Construction Hours

- D6. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D7. Construction activities may be undertaken outside of the hours in Condition D6 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or

- (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D8. Notification of such construction activities as referenced in Condition D7 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D9. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- D10. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### Construction Traffic

- D11. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### Hoarding Requirements

- D12. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### Scaffolding

- D13. The use of scaffolding is not permitted facing the rail corridor adjacent to the southern boundary of the site unless written approval has been obtained from TAHE/Sydney Trains. If permitted, scaffolding shall not be erected without the erection of isolation and protection panels.

### No Obstruction of Public Way

- D14. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### Construction Noise Limits

- D15. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). 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 identified in the approved CNVMSP in Condition C18.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under Condition D66.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### Vibration Criteria

- D18. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and

- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

D19. The limits in Condition D18 apply unless otherwise outlined in the CNVMSP in Condition C18, approved as part of the CEMP required by Condition C15 of this consent.

### Tree Protection

D20. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council; and
- (c) all trees on the site (if any) that are not approved for removal must be suitably protected during construction.

### Air Quality

D21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D22. During construction, the Applicant must ensure that:

- (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.

### Erosion and Sediment Control

D23. All erosion and sediment control measures must be installed in accordance with the CSWMP in Condition C20. The measures must be maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### Imported Soil

D24. The Applicant must:

- (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 Certifier upon request.

### Disposal of Seepage and Stormwater

D25. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D26. Unless prior written approval has been obtained by TAHE/Sydney Trains, stormwater is not permitted to be discharged into the adjacent rail corridor.

### Unexpected Finds Protocol – Aboriginal Heritage

D27. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management



System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

### **Unexpected Finds Protocol – Historic Heritage**

- D28. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

### **Waste Storage and Processing**

- D29. All waste generated during construction 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.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D32. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D33. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

- D34. The Applicant must ensure that all external lighting is installed and maintained in in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION

### Notification of Occupation

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### External Walls and Cladding

- E2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Post-construction Dilapidation Report

- E4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) to be forwarded to Council.

### Protection of Public Infrastructure

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (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 infrastructure that needs to be relocated as a result of the development.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by C6 of this consent.*

### Protection of Property

- E6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### Stormwater Management System

- E7. Prior to the issue of the Occupation Certificate, a suitably qualified hydraulic consultant must certify that the stormwater system:
- (a) has been constructed in accordance with the requirements of Condition C13; and
  - (b) all relevant approvals from Council have been obtained.

### Fencing

- E8. Prior to the issue of the Occupation Certificate, the Applicant must liaise with TAHE/Sydney Trains to ensure that existing fencing on the southern boundary of the site, as required by Condition C8, is fit for future usage to prevent unauthorised access to the rail corridor. If it is determined that new fencing is required, details of the type of new fencing to be installed and



the method of erection are to be to the satisfaction of TAHE/Sydney Trains prior to the fencing work being undertaken.

### Utilities and Services

- E9. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### Roadworks and Access

- E10. Prior to the commencement of operation, the Applicant must obtain approval for any proposed roadworks including vehicular access point outside the site boundary, under section 138 of the *Roads Act 1993*.

### Works as Executed Plans

- E11. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Access to Open Space

- E12. Prior to the commencement of operation, the Applicant must provide the Certifier with documented evidence of any agreement with the National Indoor Sports Centre, Campbelltown to allow students of the School to access its facilities for physical education classes.

### Operational Transport and Access Management Plan (OTAMP)

- E13. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, Transport for NSW and TfNSW, and submitted to the satisfaction of the Certifier. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure that students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (d) delivery and services vehicle and bus access and management arrangements;
  - (e) management of approved access arrangements; and
  - (f) a monitoring and review program, including requirements for travel surveys of students and staff to confirm uptake of public transport.

### Operational Management Plan

- E14. Prior to the commencement of operation, the Applicant must prepare an Operational Management Plan (OMP) for the school. The plan must include:
- (a) details confirming that the core operating hours of the school are 8 am to 5pm, Monday to Friday;
  - (b) details confirming that the Site would not be used for the purpose of a school or for other community uses on the weekends and public holidays without relevant planning approval, where required, to ensure no additional impact on the surrounding traffic network;
  - (c) details relating to the measures that would be taken to ensure the safety of students when travelling to external sporting facilities and if pedestrian infrastructure, such as crossings, are proposed;
  - (d) measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
  - (e) measures to manage the use and access to the recreation areas, including any staggered use times for the Years and age groups with details of the program of use;

- (f) measures to manage the use and access to all off-site venues, including Council owned parks (e.g Mawson Park) by the students of the school; and
- (g) details of times when the waste collection vehicles would access the site so that there is no conflict with the peak school times (both AM and PM).

E15. The Operational Management Plan (OMP) must be submitted to the Certifier for approval.

### **School Zones**

E16. Prior to the commencement of operation, any required School Zone signage, speed management signage and associated pavement markings along Watsford Road must be installed, inspected by TfNSW and handed over to TfNSW.

*Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.*

E17. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Mechanical Ventilation**

E18. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

### **Operational Noise – Design of Mechanical Plant and Equipment**

E19. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the design of the mechanical plant and equipment complies with the requirements of Condition B9.

### **Car Parking and bicycle parking**

E20. Prior to the commencement of operation, evidence must be submitted to the Planning Secretary that demonstrates that:

- (a) construction works associated with the proposed basement car parking areas, at-grade car parking areas, driveways and bicycle parking spaces have been constructed in accordance with Condition B6.

### **Damage to public infrastructure**

E21. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Fire Safety Certification**

E22. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

E23. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Stormwater Quality Management Plan

- E24. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the SOMP. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Warm Water Systems and Cooling Systems

- E25. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- E26. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- E27. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E28. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Operational Waste Management Plan

- E29. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (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 *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009); and
  - (c) detail the materials to be reused or recycled, either on or off site.

## Landscaping

- E30. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures at Section 9 in the EIS.
- E31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

**Railway Noise and Vibrations**

E32. Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant must certify the following:

- (a) that the structure borne noise complies with the predicted level in Section 5.1.2 of the DA Acoustic Report; dated 20/05/2020 (Revision 3) prepared by Acoustic Logic;
- (b) the development meets the requirements under *Development Near Rail Corridors and Busy Roads- Interim Guideline* (Department of Planning, 2008); and
- (c) all acoustic treatments specified in Conditions B10 and B11 have been included.

## PART F POST OCCUPATION

### Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Existing Drainage Easement

- F2. No signage must be placed within the drainage easement adjoining Watsford Road without additional development approval from Council.

### Warm Water Systems and Cooling Systems

- F3. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Operational Transport and Access Management Plan (OTAMP)

- F4. The OTAMP(s) approved under Condition E13 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### Operational Noise Limits

- F5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits the DA Acoustic Assessment, dated 20/05/2020 (Revision 3) prepared by Acoustic Logic.

### Unobstructed Driveways and Parking Areas

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### Outdoor Lighting

- F7. Notwithstanding Conditions C12, D35 and E36, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### Landscaping

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Condition E30 for the duration of occupation of the development.

## **APPENDIX 1 ADVISORY NOTES**

### **General**

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.

### **Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### **Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### **Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### **Utilities and Services**

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### **Road Design and Traffic Facilities**

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW(RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### **Road Occupancy Licence**

AN9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### **SafeWork Requirements**

AN10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### **Hoarding Requirements**

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **Handling of Asbestos**

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Speed Limit Authorisation**

AN13. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW(RMS) and obtain authorisation to install any required School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate Site boundaries;
  - (ii) details of all road reserves, adjacent to the Site boundaries;
  - (iii) all proposed access points from the Site to the public road network and any additional conditions imposed/proposed on their use;
  - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
  - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
  - (vi) all existing and proposed street furniture and street trees.

### **Fire Safety Certificate**

AN14. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

### **Works Within TAHE/Sydney Trains' Property**

AN15. No new fencing, structures or other features are to be fixed, attached or in any way structurally supported by, or reliant on, the existing Acoustic Wall on RailCorp Land. The Applicant/Developer will be liable to rectify any damages to the Acoustic Wall should they occur as a result of the proposed development. Should any rectification works be required the Applicant/Developer shall consult with TAHE/Sydney Trains seeking approval for the works to be carried out prior to commencement of any such works

AN16. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition A27 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.