

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 2022, 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.



Glenn Snow
Director
Transport and Water Assessments

Sydney

17 April 2025

SCHEDULE 1

Application Number:	SSD-52066209
Applicant:	Northwest Healthcare Australian Property Limited, as trustee for Vital Healthcare Investment Trust
Consent Authority:	Minister for Planning and Public Spaces
Site:	1 Hurley Street, Campbelltown Lot 3 and Lot 4 DP1296693
Development:	Construction and operation of a new six-storey health services facility, including: • demolition of the existing library building and partial demolition of the existing car park • site preparation works, including tree clearing • construction of Building A, including: ○ ground floor: retail, café (excluding internal fit-out), and medical related tenancies; ○ levels 1 and 2: 183 car parking spaces, including 8 accessible spaces; ○ levels 3 and 4: medical consulting suites and health tenancies; and

- level 5: short stay surgical hospital
- construction of new Road A and new Road B, associated crossovers, boom gate and 25 at grade car parking spaces, including 3 accessible spaces and 4 drop off spaces
- construction of a new substation
- associated landscaping
- site identification and wayfinding signage
- subdivision of the existing site.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Accredited Certifier	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.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Northwest Healthcare Australian Property Limited, as trustee for Vital Healthcare Investment Trust, or any other person carrying out any development to which this consent applies.
Approved disturbance area	The area identified as such on the development layout.
BCA	Building Code of Australia.
BC Act	<i>Biodiversity Conservation Act 2016</i> .
CEMP	Construction Environmental Management Plan.
Certifier	Means a council or accredited certifier.
Conditions of this consent	The conditions contained in Schedule 2 of this document.
Construction	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: • building and road dilapidation surveys; • investigative drilling or investigative excavation; • archaeological salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. 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 relevant NSW government agencies.
Council	Campbelltown City Council.
CPHR of NSW DCCEEW	Conservation Programs, Heritage and Regulation (CPHR) Group of NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).
CPI	Consumer Price Index.
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure.

Development	The development described in the EIS and Response to Submissions, including the works and activities comprising demolition, construction and operation, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services.
EIS	The Environmental Impact Statement titled Environmental Impact Statement: Macarthur Health Precinct Stage 2 (Version No. 2), prepared by Willowtree Planning Pty Ltd and dated 24 November 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
ENM	Excavated Natural Material.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979.</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021.
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement.
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance. Note: “material harm” is defined in this consent
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements 2020 (or other updated version as available on the Department’s website).
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Management and mitigation measures	The management and mitigation measures set out in Appendix B of the Response to Submissions.
Material harm	Is harm that: a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or b) results in actual 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). Note: This definition excludes “harm” that is either authorised under this consent or any other statutory approval.

	Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring.
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
NSW SES	NSW State Emergency Service.
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee.
POEO Act	<i>Protection of the Environment Operations Act 1997</i> .
Reasonable	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.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW).
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant’s response to issues raised in submissions in document titled Submissions Report: Macarthur Health Precinct Stage 2 – SSD 52066209 (Version No. 2), prepared by Willowtree Planning Pty Ltd and dated 3 July 2024, received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
SSD	State significant development.
TfNSW	Transport for New South Wales.
VENM	Virgin Excavated Natural Material.
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act.
Year	A period of 12 consecutive months.

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 and Response to Submissions; and
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by <i>SJB Architects</i>			
Dwg No.	Rev	Name of Plan	Date
DA-0100	4	LOCATION PLAN	13.10.2023
DA-0101	24	PROPOSED SITE PLAN	07.05.2024
DA-0102	4	SITE ANALYSIS	07.05.2024
DA-0103	3	EXISTING SITE PLAN	13.10.2023
DA-0251	6	DEMOLITION PLAN	13.10.2023
DA-1002	25	GROUND	07.05.2024
DA-1005	19	LEVEL 03	13.10.2023
DA-1006	19	LEVEL 04	13.10.2023
DA-1007	20	LEVEL 05	13.10.2023
DA-1008	9	ROOF PLAN	13.10.2023
DA-1401	13	ELEVATION NORTH & EAST	13.10.2023
DA-1402	13	ELEVATION SOUTH & WEST	13.10.2023
DA-1501	14	SECTION A & B	13.10.2023
DA-6101	6	AREA PLANS – GFA & DEEP SOIL	13.10.2023
DA-6104	7	AREA PLANS GBA	13.10.2023
DA-7010	4	EXTERNAL FINSHES	13.10.2023
DA-8000	4	SIGNAGE PLAN	13.10.2023
DA-8001	4	SIGNAGE ELEVATIONS	13.10.2023
DA-8002	4	SIGNAGE ELEVATIONS	13.10.2023
DA-8010	4	SIGNAGE BUILDING WAYFINDING	13.10.2023
DA-8011	4	SIGNAGE TENANCY	13.10.2023
DA-8012	4	SIGNAGE FACILITY	13.10.2023

DA-8013	4	SIGNAGE SAFETY	13.10.2023
DA-8014	3	SIGNAGE PRECINCT WAYFINDING	13.10.2023
Architectural drawings prepared by Team 2 Architects			
Dwg No.	Rev	Name of Plan	Date
A1001	5	LEVEL 1 FLOOR PLAN	21.06.2024
A1002	5	LEVEL 2 FLOOR PLAN	21.06.2024
Landscape plans prepared by Site Image			
Dwg No.	Rev	Name of Plan	Date
L-001	I	TREE CANOPY COVERAGE STAGE 2A	16.10.2023
L-002	F	SOIL DEPTH STAGE 2A	16.10.2023
L-C101	I	LANDSCAPE COLOUR PLAN – GROUND FLOOR	16.10.2023
L-101	K	LANDSCAPE PLAN – GOUND FLOOR	16.10.2023
L-102	G	LANDSCAPE PLAN – LEVEL 3	16.10.2023
L-201	L	PLANTING PLAN – GROUND FLOOR	31.10.2023
L-202	H	PLANTING PLAN – LEVEL 3	31.10.2023
L-501	G	LANDSCAPE SPECIFICATION & PLANT SCHEDULE	16.10.2023
L-502	G	LANDSCAPE DETAILS	16.10.2023

Plan of subdivision prepared by Veris		
Dwg No.	Name of plan	Date
203537-STAGE 2	PLAN OF SUBDIVISION OF LOTS 3 AND 4 IN COUNCIL APPROVED DA 4557/2022/DA-5, SHEET 1 of 2	1.08.2023
203537-STAGE 2	PLAN OF PROPOSED SUBDIVISION OF LOTS 3 AND 4 IN COUNCIL APPROVED DA 4557/2022/DA-5, SHEET 2 of 2	1.08.2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the environmental performance of the SSD;
 - any document or correspondence in relation to the SSD;
 - any notification given to the Planning Secretary under the terms of this consent;
 - any audit of the construction or operation of the SSD;
 - the terms of this consent and compliance with the terms of this consent (including anything required to be done under this consent);
 - the carrying out of any additional monitoring or mitigation measures; and
 - in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- 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)** or plan listed in **Condition A2(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** or plan listed in **Condition 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.

Prescribed Conditions

A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

Planning Secretary as Moderator

A7. 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

A8. Where conditions of this consent require consultation to be undertaken, evidence of the consultation taken must be submitted to the Planning Secretary with the corresponding documentation. The evidence must include:

- (a) documentation of the engagement with the identified party in the condition of consent that has occurred before submitting the document for approval;
- (b) a log of the dates of engagement or attempted engagement with the identified party;
- (c) documentation of the follow-up with the identified party where the engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
- (d) outline of the issues raised by the identified party and how they have been addressed; and
- (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

Staging

A9. 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 for the approval of the Certifier. The Staging Report must be submitted to the Certifier 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, 14 days before the commencement of operation of the first of the proposed stages of operation).

A10. A Staging Report prepared in accordance with **Condition A9** 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;
- (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
- (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Certifier.

A12. 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, including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

A13. 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).

A14. Any strategy, plan or program prepared in accordance with **Condition A13**, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15. 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.

A16. 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

A17. 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.

***Note:** Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

External Walls and Cladding

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

A19. The external colours, materials and finishes of the building must be consistent with the approved plans referenced in **Condition A2(d)**. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:

- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
- (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
- (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary on request.

Subdivision Certificate

A20. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the *Environmental Planning and Assessment Act 1979* in relation to

the issue of a Subdivision Certificate. For the purposes of this approval, the issue of a Subdivision Certificate is restricted to the subdivision defined by **Condition A2**.

Applicability of Guidelines

- A21. 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.
- A22. 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

- A23. 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

- A24. 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, and publicly available for 12 months after the commencement of operations of each of the respective stages (where relevant).

Compliance

- A25. 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

- A26. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an incident;
 - (c) a description of what immediate steps were taken in relation to the incident; and
 - (d) identifying a contact person for further communication regarding the incident.
- A27. The Applicant must provide the Department with a subsequent incident report in accordance with **Appendix 2** (Incident Notification and Reporting Requirements).

Non-Compliance Notification

- A28. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: 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

- A29. Within three months of:
- (a) the submission of an incident report under **Condition A27**;
 - (b) the submission of an Independent Audit under **Condition D36**;
 - (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 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.
- A30. 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 or Certifier (where previously approved by the Certifier). 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.

Aboriginal Heritage

- A31. All reasonable steps must be taken to avoid harm, modification, or other impacts to Aboriginal objects.
- A32. The Registered Aboriginal Parties (RAPs) must be consulted about the Aboriginal cultural heritage management requirements of the development.

Sydney Trains Requirements

- A33. The Applicant must not block the rail corridor access gate on Camden Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- A34. The Applicant must prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities remain the full responsibility of the Applicant.

A35. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements).

Other Approvals

A36. This consent does not approve the internal fit-out of any supporting café use within the Macarthur Health Precinct Stage 2 building. Separate approval(s) must be obtained from the relevant authority for the above works, where required.

PART B PRIOR TO THE ISSUE OF ANY RELEVANT CONSTRUCTION CERTIFICATE

External Walls and Cladding

- B1. Prior to the issue of any relevant construction certificate, 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.

Stormwater Management System

- B2. Prior to the issue of any relevant construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) 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.
- B3. If the quantity/flow of stormwater discharged from the proposed development site into the existing drainage culvert under the railway corridor, as mapped at Figure 3 in the Macarthur Health Precinct Stage 2 – Integrated Water Management SSDA Report (Issue 05), prepared by TTW Pty Ltd and dated 23 November 2023, increases from pre-development conditions as determined by an appropriately qualified engineer, the Applicant must consult with Sydney Trains. Evidence of consultation and how any feedback has been incorporated into the design must be submitted to the satisfaction of the Certifier, prior to the issue of any relevant construction certificate.

Note: The relevant Sydney Trains interface team is West Interface, and they can be contacted via email on West.Interface@transport.com.au.

Operational Noise – Design of Mechanical Plant and Equipment

- B4. Prior to the issue of any relevant construction certificate for the mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the Macarthur Health Precinct Stage 2 – Noise and Vibration Impact Assessment for SSDA (Revision 004), prepared by Stantec and dated 3 October 2024, must be undertaken by a suitably qualified person; and
 - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the Macarthur Health Precinct Stage 2 – Noise and Vibration Impact Assessment for SSDA (Revision 004), prepared by Stantec and dated 3 October 2024.

Operational Waste Storage and Processing

- B5. Prior to the issue of the relevant construction certificate for waste storage and processing areas, 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, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;

- (d) is naturally ventilated or an air handling exhaust system must be in place; and
- (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Car Parking and Service Vehicle Layout

- B6. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to, and approval obtained from, the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) a minimum of 208 on-site car parking spaces, including 11 accessible car parking spaces, are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- B7. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to and approval obtained from the Certifier, demonstrating that:
- (a) the provision of a minimum 15 staff and 5 visitor bicycle parking spaces outlined in the documents listed in **Condition A2**;
 - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
 - (c) the provision of end-of-trip facilities for staff.

Geotechnical Report

- B8. Prior to the issue of any relevant construction certificate, evidence must be provided and be approved by the Certifier, demonstrating that the construction certificate plans include the design recommendations of the Geotechnical Investigation for Macarthur Health Precinct Stage 2 – 1 Hurley St, Campbelltown NSW 2560, prepared by OzGeos Geotechnical and Structural and dated 27 September 2023.

Public Domain Works

- B9. Prior to the issue of any relevant construction certificate for 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.

Note: *Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

Development Contributions

- B10. Prior to the issue of any relevant construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act, and in accordance with the *Campbelltown Local Infrastructure Contributions Plan 2018 (as amended)*. The contribution is subject to CPI adjustment at the time of payment.

Sydney Trains Requirements

- B11. Prior to the issue of any relevant construction certificate, the Applicant must provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor and submitted to Sydney Trains.
- B12. Prior to the issue of any relevant construction certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray

currents. The Applicant must incorporate all measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for construction certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of any relevant construction certificate.

- B13. Prior to the issue of any relevant construction certificate, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development. If any required crane radius or aerial operations from the development encroach on Sydney Trains land, the Applicant must comply with all relevant Sydney Trains requirements.

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. 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

- C3. 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.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary within 48 hours when requested.

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential/commercial buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by **Condition C5**), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by **Condition C5**, the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary within 48 hours when requested.

Community Communication Strategy

- C8. Prior to the commencement of construction, a **Community Communication Strategy** must be prepared. The **Community Communication Strategy** must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C9. The **Community Communication Strategy** must:
 - (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

- (c) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (d) include any specific requirements around traffic, flooding, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

Demolition

- C10. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 The demolition of structures (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

Ecologically Sustainable Development

- C11. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- C12. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2020 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2023 Control of the obtrusive effects of outdoor lighting.

Environmental Management Plan Requirements

- C13. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Notes:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

- C14. 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 during construction;
 - (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 4282-2023 Control of the obtrusive effects of outdoor lighting;

- (viii) community consultation and complaints handling as set out in the **Community Communication Strategy** required by **Condition C9**;
 - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) **Construction Traffic and Pedestrian Management Sub-Plan** (see **Condition C16**);
 - (c) **Construction Noise and Vibration Management Sub-Plan** (see **Condition C17**);
 - (d) **Construction Flood Emergency Management Sub-Plan** (see **Condition C18**);
 - (e) an unexpected finds protocol for contamination and associated communications procedure;
 - (f) an unexpected finds protocol for Aboriginal and environmental heritage and associated communications procedure; and
 - (g) 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.
- C15. 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.
- C16. 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 and TfNSW;
 - (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.
- C17. 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 and vibration 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 and vibration generating works;
 - (e) describe the community consultation undertaken to develop the strategies in **Condition C17(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 construction of the development and the effectiveness of the management measures in accordance with **Condition C13**.
- C18. The **Construction Flood Emergency Management Sub-Plan (FEMSP)** must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Flood Risk Management Manual* (DPE, June 2023) and the *Flood Risk Management Toolkit*; and
 - (c) include details of:
 - (i) the flood emergency responses during construction of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;

- (iv) assembly points and evacuation routes;
- (v) evacuation and refuge protocols; and
- (vi) awareness training for employees and contractors.

Note: The Flood Risk Management Toolkit is a set of resources including guidelines, explanatory notes, technical methods and data provided to complement the Flood Risk Management Manual.

- C19. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- C20. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
 - (b) divert existing clean surface water around operational areas of the site.
- C21. Prior to the commencement of construction, erosion and sediment controls must 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'.
- C22. Prior to the commencement of construction, the Applicant must 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, 1 in 5-year ARI and 1 in 100-year ARI.
- C23. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Flood Management

- C24. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 300mm of freeboard.
- C25. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1% Annual Exceedance Probability plus 300mm of freeboard must be constructed from flood compatible building components.

Construction Parking

- C26. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Construction Worker Transportation Strategy

- C27. 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. A copy of the strategy must be submitted to the Planning Secretary on request.

Hazardous Building Materials

- C28. Prior to the commencement of construction, the Applicant must prepare a Hazardous Building Materials Survey of the existing building/structure to be demolished, to the satisfaction of the Certifier.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. 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.

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by **Condition C10**.

Construction Hours

- D4. 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 5pm, Saturdays.

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

- D5. Construction activities may be undertaken outside of the hours in **Condition D4** 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 her nominee if appropriate justification is provided for the works.

- D6. Notification of such construction activities as referenced in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- D7. 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

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- D9. 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

- D10. 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.

No Obstruction of Public Way

- D11. 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

- D12. 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 **CNVMS**.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Condition D4**.
- D14. 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

- D15. 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).
- D16. 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 D15**.
- D17. The limits in **Conditions D15** and **D16** apply unless otherwise outlined in a **CNVMS** required by **Condition C17**.

Tree Protection

- D18. 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) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment Report

– Macarthur Health Precinct Stage 2, prepared by Our Garden Path Pty Ltd and dated 4 July 2023; and

- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D20. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (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.

Soil and water

D21. All erosion and sediment control measures must be effectively implemented and 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. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Contamination* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Fill

D22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the 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 and/or the Planning Secretary upon request.

Disposal of Seepage and Stormwater

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the 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.

Emergency Management

D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

Aboriginal Cultural Heritage

D25. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report, prepared by Artefact Heritage Services Pty Ltd and dated 27 February 2024.

Unexpected Finds Protocol – Aboriginal Heritage

D26. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Environmental Heritage

D27. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) 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 as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Burials

D28. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of 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 constructed and maintained in accordance with *Australian Standard AS 4282-2023 Control of the obtrusive effects of outdoor lighting*.

Independent Environmental Audit

- D35. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website.
- D36. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 weeks notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under **Condition D35** of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D39. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

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

Notification of Occupation

- E1. At least one month before the issue of any relevant occupation certificate, 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 the issue of any relevant occupation certificate, 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 – Protection of Public Infrastructure

- E4. Prior to the issue of any relevant occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by **Condition C4** of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E5. Unless the Applicant and the relevant public 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 construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- E6. Prior to the issue of any relevant occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E7. Where a pre-construction survey has been undertaken in accordance with **Condition C6**, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with **Condition C6**;

- (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Easements

- E9. As part of the Subdivision certification process and prior to the lodgement of the Subdivision Plan at the NSW Land Registry Services, the Applicant must prepare a Section 88B instrument as a component of the Subdivision Plan for the creation of all relevant easements, restrictions and covenants. The Subdivision Plan shall provide evidence to the Certifier that all easements required by this approval, have been lodged for registration or registered at the NSW Land Registry Services.

Utilities and Services

- E10. Prior to the issue of any relevant occupation certificate, 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*.

Works as Executed Plans

- E11. Prior to the issue of any relevant occupation certificate, 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.

Green Travel Plan

- E12. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the Certifier to promote the use of active and sustainable transport modes. A copy of the GTP must be published on the Applicant's website within 14 days after the Certifier accepts it. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
 - (b) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
 - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development, and make the plan and its results publicly available.

Mechanical Ventilation

- E13. Prior to the issue of any relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *Australian Standard 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

- E14. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under **Condition B4** have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project noise trigger levels identified in the Macarthur Health Precinct Stage 2 – Noise and Vibration Impact Assessment for SSDA (Revision 004), prepared by Stantec and dated 3 October 2024.

Car Parking, Service Vehicles and Bicycle parking Arrangements

- E15. Prior to the issue of any relevant occupation certificate, evidence must be submitted to the Certifier demonstrating that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with **Condition B6** and **Condition B7**;
 - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
 - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
 - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
 - (e) end-of-trip facilities for staff are provided.

Fire Safety Certification

- E16. Prior to the issue of any relevant occupation certificate, 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

- E17. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier for approval. 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.

Compliance with Food Code

- E18. Prior to the commencement of operation of the café, the Applicant must obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the Australian Standard AS 4674 Design, construction and fit-out of food premises and provide evidence of receipt of the certificate to the Certifier.

Stormwater Quality Management Plan

- E19. Prior to the issue of any relevant the occupation certificate, an **Operation and Maintenance Plan (OMP)** is to be submitted to and approved by the Certifier along with evidence of compliance with the **OMP**. The **OMP** 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

- E20. Prior to the issue of any relevant occupation certificate, the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) 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

- E21. Prior to the issue of any relevant occupation certificate, 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 *Australian Standard AS 4282-2023 - 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

- E22. Prior to the issue of any relevant occupation certificate, way-finding signage and signage identifying the location of car parking must be installed.
- E23. Prior to the issue of any relevant occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- E24. 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);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in Macarthur Health Precinct Stage 2 – Waste Management Plan (Version 1), prepared by MRA Consulting Group and dated 18 October 2023.

Landscaping

- E25. Prior to the issue of any relevant occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in **Condition A2(d)**.
- E26. Prior to the issue of any relevant occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to 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 in the Response to Submissions.
- E27. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Operational Flood Emergency Management Plan

- E28. Prior to the issue of any relevant occupation certificate, a **Flood Emergency Management Plan** must be submitted to the Certifier that:

- (a) is prepared by a suitably qualified and experienced person(s);
 - (b) addresses the provisions of the *Flood Risk Management Manual* (DPE, June 2023) and the *Flood Risk Management Toolkit*;
 - (c) considers the *Shelter-in-place Guideline for flash flooding* (DPHI, 2025);
 - (d) is consistent with the flood emergency response for the site, outlined in the Flood Emergency Management Plan – Macarthur Health Precinct Stage 2 (Revision 8), prepared by TTW and dated 10 April 2025;
 - (e) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes; and
 - (v) shelter-in-place and refuge protocols.
 - (f) awareness training for employees, contractors, and visitors.
- E29. The **Flood Emergency Management Plan** required by **Condition E28** must be peer-reviewed by a suitably qualified and independent emergency management specialist confirming that the Flood Emergency Management Plan complies with the requirements of **Condition E28**. A copy must be provided to the Planning Secretary within 48 hours when requested.

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 and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- F2. 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.

Community Communication Strategy

- F3. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- F4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Macarthur Health Precinct Stage 2 – Noise and Vibration Impact Assessment for SSDA (Revision 004), prepared by Stantec and dated 3 October 2024.
- F5. Short term operational noise monitoring must be:
- (a) carried out within 4 months of commencement of use of the proposed buildings and associated open spaces approved by this development consent; and
 - (b) undertaken by an appropriately qualified person in accordance with the Noise Policy for Industry (EPA, 2017) or any latest version where valid data is collected.
- F6. The resultant monitoring report prepared by the appropriately qualified person must be submitted to the Planning Secretary within 5 months of commencement of use of the proposed buildings and the associated open spaces to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Macarthur Health Precinct Stage 2 – Noise and Vibration Impact Assessment for SSDA (Revision 004), prepared by Stantec and dated 3 October 2024.
- F7. Should the noise monitoring program required by **Condition F5** identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels when measured at the affected noise sensitive receivers, or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- F8. 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.

Green Travel Plan

- F9. The Green Travel Plan required by **Condition E12** of this consent must be updated annually, as required, and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F10. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star Buildings rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under **Condition C11**, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

Outdoor Lighting

- F11. Notwithstanding **Condition D34**, 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

- F12. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by **Condition E26** for the duration of occupation of the development.

Hazards and Risk

- F13. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards; and
 - (b) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.
- F14. In the event of an inconsistency between the requirements of **Condition F13(a)** and **F13(b)**, the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- F15. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Discharge Limits

- F16. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Signage

- F17. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration 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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation 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.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. 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

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (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 Speed Limits

AN8. The Applicant must obtain the necessary Local Traffic Committee approvals for any speed limits to be installed on new public roads as part of the Development.

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.

Fire Safety Certificate

AN13. 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.

APPENDIX 2 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **Condition A26** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with **Condition A26**), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident; and
 - (e) a summary of incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.