

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gibson
A/Director
Social Infrastructure Assessments

Sydney

22 December 2020

SCHEDULE 1

Development consent:	SSD-8926 granted by the Executive Director, Infrastructure Assessments on 27 March 2020.
For the following:	<p>Staged construction and operation of a new Kindergarten to Year 12 school, including:</p> <ul style="list-style-type: none">• Stage 1 comprising minor establishment works to facilitate occupation of part of an existing building as a primary school for 115 students and 12 full-time equivalent staff;• Stage 2 comprising the construction and operation of a new primary school building to accommodate a maximum of 392 students and 28 full-time-equivalent staff;• Stage 3A comprising alterations and additions to an existing building to facilitate operation of a high school to accommodate a maximum of 336 secondary students (accommodating a total of 728 primary and secondary students and 58 full-time equivalent staff on site in combination with Stage 2); and• Stage 3B comprising redevelopment and operation of a new administration / office building associated works.
Applicant:	Australian Turkish Maarif Foundation Limited
Consent Authority:	Minister for Planning and Public Spaces
The Land:	2 Percy Street, Auburn (Lots 14-21 DP 2647, Lot 1 DP 76735 and Lot 1 DP 721683)
Modification:	SSD-8926 MOD 1: Increase student numbers for Stage 1 operation and inclusion of Sydney Trains standard conditions of approval.

SCHEDULE 1

The consent (SSD-8926) is modified as follows:

- (a) Schedule 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words / numbers as follows:

Development: Staged construction and operation of a new Kindergarten to Year 12 school, including:

- Stage 1 comprising minor establishment works to facilitate occupation of part of an existing building as a primary school for **154115** students and 12 full-time equivalent staff;
- Stage 2 comprising the construction and operation of a new primary school building to accommodate a maximum of 392 students and 28 full-time-equivalent staff;
- Stage 3A comprising alterations and additions to an existing building to facilitate operation of a high school to accommodate a maximum of 336 secondary students (accommodating a total of 728 primary and secondary students and 58 full-time equivalent staff on site in combination with Stage 2); and
- Stage 3B comprising redevelopment and operation of a new administration / office building associated works.

- (b) Definitions Table is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words / numbers as follows:

DEFINITIONS

Stage 1	Minor establishment works to facilitate occupation of part of an existing building and temporary operation as a primary school for a maximum of <u>154115</u> students and 12 full time equivalent staff and associated works as detailed in the Staging Report detailed by dfp consultants dated <u>20 August 2020</u> <u>14 February 2020</u> .
Stage 2	Construction and operation of a new primary school building to accommodate a maximum of 392 students and 28 full-time-equivalent staff and associated works as detailed in the Staging Report prepared by dfp consultants dated <u>20 August 2020</u> <u>14 February 2020</u> .
Stage 3A	Alterations and additions to an existing building to facilitate operation of a high school to accommodate a maximum of 336 secondary students (accommodating a total 728 primary and secondary students and 58 full-time equivalent staff on site in combination with Stage 2) and associated works as detailed in the Staging Report prepared by dfp consultants dated <u>20 August 2020</u> <u>14 February 2020</u> .
Stage 3B	Redevelopment and operation of a new administration / office building in conjunction with Stages 2 and 3A as detailed in the Staging Report prepared by dfp consultants dated <u>20 August 2020</u> <u>14 February 2020</u> .

- (c) Schedule 2 Part A - Administrative Conditions, Conditions A2, A6, A11 and A24 are amended by the insertion of **bold and underlined** words and deletion of the ~~**bold and struckout**~~ words as follows:

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 SSD-8926-Mod-1**; and
- (d) in accordance with the approved plans in the table below:

...

A6. The student population and associated full time equivalent staff numbers must not exceed:

- (a) ~~154-415~~ and 12 respectively during Stage 1;
- (b) 392 and 28 respectively for Stage 2; and
- (c) 728 and 48 respectively for Stage 3 and thereafter.

A11. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the Staging Report prepared by dfp consultants dated ~~20 August 2020~~ **14 February 2020** unless otherwise approved in writing by the Planning Secretary.

A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in ~~0~~**Appendix 1**.

- (d) Schedule 2 Part B - Prior to the Issue of a Construction Certificate, Conditions B10, B11, B12 and B13 are inserted using **bold and underlined** words as follows:

Protection of Rail Assets

B10. Prior to issue of any construction certificate for Stage 2 and subsequent stages, the Applicant must prepare and submit to the satisfaction of Sydney Trains the following items prepared in accordance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

- (a) geotechnical and structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor;**
- (b) construction methodology with 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 measurements are to be verified by a Registered Surveyor;**
- (d) detailed survey plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor;**
- (e) if required by Sydney Trains, an finite element (FE) analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor; and**
- (f) if required by Sydney Trains, a Monitoring Plan.**

B11. Prior to the issue of any construction certificate for Stage 2 and subsequent stages, 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 the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier.

B12. Prior to the issue of any construction certificate for Stage 2 and subsequent stages, written confirmation must be obtained from Sydney Trains confirming that the proposed design, installation and use of lights, signs and reflective materials, whether permanent or temporary, that are visible from the rail corridor (or from which reflected light might be visible) must limit glare, reflectivity and illumination.

B13. Prior to the issue of any construction certificate for Stage 2 and subsequent stages, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements.

Note: Signage adjacent to the rail corridor must not incorporate any green, red or amber colours.

Note: Where consultation is required with Sydney Trains, the Applicant must forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central Interface@transport.nsw.gov.au.

Note: If required, the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover and/or the lodgement of a bond or bank guarantee for the duration of the works.

- (e) Schedule 2 Part C - Prior to the Issue of a Construction Certificate, the heading and Conditions C3 and C4 are amended by the insertion of **bold and underlined** words and deletion of the ~~bold and struckout~~ words as follows:

PART C PRIOR TO THE **COMMENCEMENT OF CONSTRUCTION**~~ISSUE OF A
CONSTRUCTION CERTIFICATE~~

C3. Prior to the ~~issue of a construction certificate for~~**commencement of construction** ~~of~~ Stage 2 and each subsequent stage, 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.

C4. Prior to the ~~issue of a construction certificate for~~**commencement of construction** ~~of~~ Stage 2 and each subsequent stage, 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.

- (f) Schedule 2 Part D During Construction, Conditions D40 to D47 are inserted using **bold and underlined** words as follows:

Protection of Rail Assets

D40. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant.

- D41. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements.
- D42. Unless otherwise with the written agreement of Sydney Trains, all excavation, shoring and piling works within 25m of the rail corridor is to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
- D43. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within six horizontal metres of any live electrical equipment, including train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- D44. The Applicant must ensure that excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- D45. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.
- D46. The Applicant must not block the rail corridor access gate on Percy Street to ensure easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.
- D47. All works within six metres of the nearest transmission line conductor for the 33kV high voltage aerial transmission line must comply with:
- (a) ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure;
 - (b) The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”; and
 - (c) WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”.
- Note: The Applicant must consult in good faith with Sydney Trains during demolition, excavation and construction works and respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

End of modification
(SSD 8926 MOD 1)