

# Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves 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;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.

(Commissioner)

**Member of the  
Commission**

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Commission**

Sydney

Date

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### SCHEDULE 1

<b>Application Number:</b>	SSD 10383
<b>Applicant:</b>	Catholic Education Office Diocese of Parramatta
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	2 Darcy Road, Westmead (Lot 1 DP 1095407 and Lot 1 DP 1211982)
<b>Development:</b>	Redevelopment of the Westmead Catholic Community Education Campus comprising: <ul style="list-style-type: none"><li>• alterations to an existing school building (Mother Teresa Primary School) and change of use to provide an early learning centre for 200 places and 25 full time equivalent (FTE) staff;</li><li>• construction of a six-storey new primary school building including classrooms and learning spaces, recreation spaces, canteen, storage, amenities and rooftop open space;</li><li>• staged increase in student numbers accommodating a total of 1680 students (1260 additional) and 76 additional FTE staff;</li><li>• a new parish church with 400 seats;</li><li>• upgrades and alterations to two existing driveways; and</li></ul>

- associated works including tree removal, access, and landscaping.

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Catholic Education Office or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier.
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>CELC</b>	Catholic Early Learning Centre
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	City of Parramatta
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising as specified in schedule 1 and as modified by the conditions of this consent

<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement</i> , prepared by <i>Ethos Urban</i> dated 19 March 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ELC</b>	Early Learning Centre
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	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 a place included on the NSW State Heritage Register, 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
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, Material Harm and which may or may not be, or cause, a non-compliance.
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	As defined in section 1.4 of the EP&A Act
<b>EMP</b>	Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in section 7 of the EIS as updated by the RtS and SRtS
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OMP</b>	Operational Management Plan
<b>OTAMP</b>	Operational Transport and Access Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>Parish church</b>	The church proposed within the site identified in the plans in condition A2.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>RAP</b>	Registered Aboriginal Parties
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>School</b>	The primary school identified in the EIS and the plans listed in condition A2
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As accredited by the EPS pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	A report prepared by a Site Auditor pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	A statement prepared by a Site Auditor pursuant to section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>SRtS</b>	Supplementary RtS and associated documents submitted to the Department on 23 December 2020, 8 February 2021, 10 March 2021, 6 September 2021 (amended proposal), 14 October 2021 and 26 November 2021
<b>TAA</b>	Transport & Accessibility Impact Assessment Report including all Appendices prepared by The Transport Planning Partnership dated 25 August 2021
<b>TfNSW</b>	Transport for New South Wales
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## 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, except where superseded by the Response to Submissions (RtS) and supplementary RtS (SRtS);
  - (d) in accordance with the approved plans in the table below:

<b>Westmead Catholic Community Education Campus, prepared by Alleanza Architecture</b>			
Dwg No.	Rev	Name of Plan	Date
MP-DA-100	F	Site Plan	03/09/2021
MP-DA-150	C	Site Analysis	03/09/2021
MP-DA-200	C	Site Section	03/09/2021
MP-DA-300	C	Site Elevation	03/09/2021
MP-DA-950	F	Parking Allocations and Site Circulations	03/09/2021
MP-DA-951	B	Through Site Link	20/08/2020
MP-DA-952	A	Tree Location Plan	03/09/2021
MP-DA-953	A	Parish Relocation Plan	03/09/2021
<b>Parish Church</b>			
CH-DA-001	D	Site Plan	06/09/2021
CH-DA-100	D	Parish Church Floor Plan	06/09/2021
CH-DA-101	B	Roof Plan	06/09/2021
CH-DA-200	C	Sections	06/09/2021
CH-DA-201	C	Sections	06/09/2021
CH-DA-300	C	Elevations (Sheet 1)	06/09/2021
CH-DA-301	C	Elevations (Sheet 2)	06/09/2021
CH-DA-302	C	Elevations (Sheet 3)	06/09/2021
CH-DA-400	B	External Materials and Finishes (Sheet 1)	06/09/2021
CH-DA-401	B	External Materials and Finishes (Sheet 2)	06/09/2021
<b>K-6 Building</b>			
K6-DA-100	D	Floor Plan-Ground Floor	20/08/2020
K6-DA-101	D	Floor Plan- Level 1	20/08/2020
K6-DA-102	D	Floor Plan- Level 2	20/08/2020
K6-DA-103	D	Floor Plan- Level 3	20/08/2020
K6-DA-104	D	Floor Plan- Level 4	20/08/2020
K6-DA-105	D	Floor Plan- Level 5	20/08/2020
K6-DA-106	C	Roof Plan	20/08/2020

K6-DA-200	B	Section (Sheet 1)	19/03/2020
K6-DA-201	B	Section (Sheet 2)	19/03/2020
K6-DA-300	B	Elevations	19/03/2020
K6-DA-301	B	Elevations	19/03/2020
K6-DA-400	D	Sections	20/08/2020
K6-DA-900	C	Open space (Ground Floor and Level 1)	03/09/2021
K6-DA-901	B	Open space (Level 2 & 3)	20/08/2020
K6-DA-902	B	Open space (Level 4 & 5)	20/08/2020
K6-DA-906	E	K, Y1, Y2 -Allocation of Open Space	03/09/2021
K6-DA-907	B	Y5/Y6 -Allocation of Open Space	20/08/2020
K6-DA-908	B	Y3/ Y4 -Allocation of Open Space	20/08/2020
K6-DA-909	C	K-6 Vertical Circulation	20/08/2020
<b>Catholic Early Learning Centre (CELC) and Administration Centre</b>			
AC-DA-050	B	Ground Floor Plan, Demolition	19/03/2020
AC-DA-070	B	Elevations, Demolition	19/03/2020
AC-DA-071	B	Elevations 2, Demolition	19/03/2020
AC-DA-100	C	Proposed Floor Plan	20/08/2020
AC-DA-150	B	Ground Floor Plan-Detailed Plan of Admin	19/03/2020
AC-DA-151	B	Ground Floor Plan-Detailed Plan of CELC	19/03/2020
AC-DA-152	B	Ground Floor Plan-Detailed Plan of K-6 Resource Centre	19/03/2020
AC-DA-200	B	Sections	19/03/2020
AC-DA-300	B	Elevations (Sheet 1)	19/03/2020
AC-DA-301	B	Elevations (Sheet 2)	19/03/2020
AC-DA-400	B	Detailed Sections	19/03/2020
<b>Car park</b>			
CP-DA001	C	Site Plan (Car park)	06/09/2020
CP-DA002	C	Site Analysis	06/09/2020
CP-DA003	C	Demolition Plan	06/09/2020
CP-DA101	C	Proposed Ground Floor Plan (Part1)	06/09/2020
<b>Landscape Drawings, Prepared by <i>Ground Ink</i>.</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
LA-101	D	Landscape Master Plan	06/09/2021
LA-102	D	General Arrangement Plan	06/09/2021
LA-201	B	Existing Tree Plan	24/08/2021
LA-301	D	Parish Landscape Plan	06/09/2021
LA-302	A	Parish Landscape Section	04/03/2020
LA-401	D	Primary School Landscape Plan-Ground Level	06/09/2021
LA-402	D	Primary School Landscape Section	06/09/2021
LA-403	A	Primary School Landscape Plan- Level 1	04/03/2020
LA-404	A	Primary School Landscape Plan-Level 2	04/03/2020
LA-405	A	Primary School Landscape Plan-Level 3	04/03/2020
LA-406	A	Primary School Landscape Plan-Level 4	04/03/2020

LA-407	A	Primary School Landscape Plan-Level 5	04/03/2020
LA-501	D	CELC landscape Plan and Section	06/09/2021
LA-601	D	Indicative Planting Palette	06/09/2021
LA-701	A	External Finishing Palette	04/03/2020
LA-801	B	Landscape Rooftop Soil Depths-Level 5	06/09/2021
LA-802	B	Wayfinding Analysis	06/09/2021
LA-802	B	Tree Canopy Coverage	06/09/2021

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - the implementation of any actions or measures contained in any such document referred to in A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), 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.
- A6. The canteen on ground floor must be generally used in conjunction with the educational use of the site and the community uses proposed within the school site.
- A7. The community use of the parish church must be undertaken in accordance with the Westmead Catholic Community - Indicative Community Use Table submitted with the RtS.
- A8. The maximum capacity of the parish church must not exceed 400 attendees and must be used for school students only during core school hours, except for special events (such as weddings, baptism and funerals, as identified in the church operational management sub-plan).

#### Staff and student numbers

- A9. The student population and associated full time equivalent staff numbers for new development must be in accordance with the following table:

Study Group	Opening year (2023) (Maximum number of students)	Stabilisation Year (2033) (Maximum number of students)
CELC	100 children and 15 staff	200 children and 25 staff
Primary School Student	660 students and 40 staff	1680 students 100 staff

- A10. Within 6 months of the commencement of operation of the school (i.e 2023 Opening Year) and the church (if it commences operation with the school), the Applicant must undertake a new traffic assessment which:
- is prepared by a suitably qualified traffic consultant, in consultation with TfNSW and Council;
  - identifies the school and CELC peak traffic periods;

- (c) includes details of baseline conditions and modelling methodology, as agreed with TfNSW (with appropriate evidence provided of such agreement);
- (d) includes traffic counts and surveys (for at least three consecutive standard school days as agreed by TfNSW) to provide details of traffic generation due to the operation of the school in the identified AM and PM school periods;
- (e) includes modelling of the Darcy Road / Bridge Road / Coles Carpark intersection (using an appropriate traffic modelling tool such as SIDRA or equivalent) based on the above traffic generation data and baseline conditions (as agreed with TfNSW);
- (f) includes calibration and validation of the model to enable a critical assessment of the traffic impacts of the above intersection;
- (g) demonstrates in the validation, that the model meets the requirements of TfNSW Traffic Modelling Guidelines;
- (h) satisfactorily validates the model for the various school time periods of the day in accordance with the procedures set out in the TfNSW Traffic Modelling Guidelines;
- (i) includes details of the level of service (LoS) of the above intersection as a result of the modelling;
- (j) compares the traffic surveys/generation results against the data submitted in the *Transport & Accessibility Impact Assessment Report* prepared by The Transport Planning Partnership dated 25 August 2021 (TAA) to verify that the LoS of the above intersection is consistent with the results in the TAA or if it is not consistent with the TAA, it is to identify the changes in traffic volume and the reasons for the associated changes to the traffic volume/conditions (if applicable); and
- (k) includes additional management/mitigation measures at the Darcy Road / Bridge Road / Coles Carpark intersection to optimise road safety in accordance with TfNSW, Austroads guidelines and Australian Standards (including upgrades if necessary), if the traffic assessment concludes that the performance of this intersection is worse than that predicted by the TAA, and the traffic generated by this development is a contributing factor to the LoS deterioration (due to the impact of development traffic flow through the intersection).

A11. The traffic assessment, required by condition A10, must:

- (a) include the use of baseline conditions and modelling methodology that is endorsed by TfNSW, prior to the preparation of the traffic assessment, and is based on the following:
  - (i) Austroads (2020) Guide to Traffic Management Part 3: Transport Study and Analysis Methods;
  - (ii) AP-R421-12 Austroads Research Report 2012 An Introductory Guide for Evaluating Effectiveness of Road Safety Treatments; and
  - (iii) Austroads (2016) Guide to Traffic Management Part 8: Local Area Traffic Management provides information relating to Monitoring and Review; and
- (b) be endorsed by Council and TfNSW and submitted to the Planning Secretary for approval within 3 months of undertaking the assessment.

A12. If condition A10 determines that traffic mitigation measures are required at the Darcy Road / Bridge Road / Coles Carpark intersection, then the Applicant must:

- (a) either undertake the works within 18 months of the date of the approval of the traffic assessment by the Planning Secretary (unless an alternate timeframe is agreed with the Planning Secretary) including appropriate approvals from the relevant roads authority (Council or TfNSW); **or**
- (b) propose an alternate method(s) of delivering the traffic management/mitigation measures endorsed by TfNSW and Council and approved by the Planning Secretary and deliver the measures within 18 months of the date of the approval of the traffic assessment by the Planning Secretary.

A13. No student increase is permitted on the site beyond that permitted at the opening year, until condition A12 is complied with (if applicable).

- A14. This development consent allows staged increase in students (660 - 1680 students maximum), CELC capacity (100 – 200 students) and full time equivalent (FTE) staff (55 – 120 staff), subject to the following being complied with:
- (a) the staged increase in student/staff/CELC student numbers are clearly identified in the Staging Report required by condition A18;
  - (b) additional new traffic assessments are undertaken, in accordance with the requirement of condition A10(a) – A10(j) and condition A11, every 24 months following the first post-occupation traffic assessment required by condition A10 and until the year of maximum student numbers (when the school will reach full capacity);
  - (c) traffic counts and surveys are undertaken every 24 months following the first post-occupation traffic assessment required by condition A10 and until the year of maximum student numbers (when the school will reach full capacity), to demonstrate that the modal shift targeted in the Green Travel Plan (GTP) (condition E21) is achieved, and the validation analysis has been finalised in consultation with Council and TfNSW and is approved by the Planning Secretary;
  - (d) if mitigation is required due to the traffic assessments in condition A14(b), that the mitigations have been completed in accordance with condition A12;
  - (e) evidence of compliance with condition A14(d) has been submitted to the satisfaction of the Planning Secretary; and
  - (f) evidence of adequate provision of open space and access to adequate open space within the site or elsewhere (as agreed with Council and/or others) provided to the Planning Secretary.

#### **Prescribed Conditions**

- A15. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Planning Secretary as Moderator**

- A16. 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 to the extent to which the Secretary has the power under the EP&A Act.

#### **Evidence of Consultation**

- A17. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **Staging**

- A18. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A19. A Staging Report prepared in accordance with condition A188 must:
- (a) include details of staged student and FTE staff increase between 2023 and 2033;

- (b) 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;
  - (c) if staged construction is proposed, include a Landscape Staging Plan including the following information to the satisfaction of the Planning Secretary identifying:
    - (i) proposed open space provision to be delivered at each construction stage of the development (including playing fields and covered learning areas); and
    - (ii) associated information to demonstrate that open space on the site is available at a minimum of 10 square metres (sqm) per student throughout each construction stage of the development and would suitably cater for the proposed number of students at any time within the site, unless alternative open space locations are provided to the Secretary's satisfaction;
  - (d) 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);
  - (e) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (f) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A20. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A21. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

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

- A22. 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).
- A23. Any strategy, plan or program prepared in accordance with condition A22, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A24. 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.
- A25. 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

A26. 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 Building Code of Australia (BCA).

### Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

## External Walls and Cladding

A27. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

A28. 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.

A29. 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

A30. 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

A31. 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.

## Compliance

A32. 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

A33. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

A34. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

## Non-Compliance Notification

A35. The Planning Secretary must be notified through the major projects, portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects, portal within seven days after they identify any non-compliance.

A36. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A37. 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

A38. Within three months of:

- (a) the submission of a compliance report under condition A41;
- (b) the submission of an incident report under condition A34;
- (c) the submission of an Independent Audit under condition D41;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 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.

A39. 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.*

## Compliance Reporting

A40. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.

A41. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.

A42. The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary.

A43. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance

reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

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## PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### Through site pedestrian link

- B1. Prior to the issue of any construction certificate for the landscaping works within the site (or an alternate timeframe agreed with the Planning Secretary), the Applicant must submit an amended site plan to the satisfaction of the Planning Secretary including the following:
- (a) a schematic diagram of a through site direct and paved pedestrian connection from Farmhouse Road to the western boundary of the site (Lot 1 DP 1095407 and Lot 1 DP 1211982) to facilitate active access solutions supporting the GTP and to allow for alternate student access to the site, in addition to the existing Darcy Road entry points, consistent with Figure 6.6 of *Transport & Accessibility Impact Assessment* prepared by Transport Planning Partnership dated 25 August 2021;
  - (b) a schematic diagram of a pedestrian connection between the east-west pedestrian link within the site (from Farmhouse Road to the western boundary) and Bridge Road (to the west) including possible access through the adjoining properties to the west and the riparian zone;
  - (c) information and details regarding the requirement of possible easements and/or owner's consent that would be required to establish the pedestrian link through the through the adjoining properties to the west (required by condition B1(b)).
- B2. The pedestrian link diagrams must be prepared in consultation with Council and evidence of such consultation provided to the Planning Secretary along with details in condition B1.

### Amendment to Development Consent 241/2020

- B3. Prior to the issue of any construction certificate, in accordance with section 4.17(1)(b) of the EP&A Act, the plans of the driveway providing access to the multi-storey car park from Darcy Road in the development consent DA241/2020 issued by Council, must be replaced by the following plans listed in condition A2:

Architectural Plans prepared by Alleanza Architecture			
CP-DA001	C	Site Plan (Car park)	06/09/2020
CP-DA002	C	Site Analysis	06/09/2020
CP-DA003	C	Demolition Plan	06/09/2020
CP-DA101	C	Proposed Ground Floor Plan (Part 1)	06/09/2020

### External Walls and Cladding

- B4. 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.

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

- B5. Prior to the issue of any relevant construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the design related noise mitigation recommendations in *the Noise and Vibration Impact Assessment Report*, prepared by JHA, dated 23/06/2020, into the detailed design drawings. The Certifier must verify that all the design related noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the submitted Noise and Vibration Impact Assessment Report

### Operational Waste Storage and Processing

- B6. Prior to the issue of any relevant construction certificate for the operational 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, the design of the operational waste storage

area must be in accordance with Council's standards and be approved by the Certifier. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### Car Parking and Service Vehicle Layout

- B7. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier regarding the following:
- (a) the location of the loading and unloading area for the parish church and CELC as well as waste collection area for both the developments;
  - (b) details of the size of the waste collection/service vehicle including the swept path to demonstrate that the service vehicle can manoeuvre in and out of the designated loading areas for the CELC and the parish church with no impacts on the traffic within the site;
  - (c) details to demonstrate that the operational access and parking arrangements comply with the following requirements:
    - (i) all vehicles can enter and leave the site in a forward direction;
    - (ii) the proposed 12 on-site car parking spaces are designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
    - (iii) the loading/unloading/waste collection areas and 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 designed in accordance with the latest version of AS 2890.2.

### Bicycle Parking and End-of-Trip Facilities

- B8. 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 the Certifier for approval:
- (a) the provision of a minimum 209 bicycle parking spaces outlined in plans 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.

### Roadworks and access

- B9. Prior to the issue of construction certificate for roadworks and access including the alterations to the Darcy Road/Mother Teresa driveway intersection and the Darcy Road/multi-storey car park intersection (unless approved under a separate development consent), the Applicant must submit design plans to the satisfaction of the relevant roads authority. The plans must:
- (a) be prepared in accordance with Austroads Guide to Road Design in association with relevant supplements;
  - (b) be consistent with the driveway works shown in the following plans for the multi-storey carpark and including a dedicated 25m left-turn lane on the south approach of the intersection (site exit approach) with an adjacent through and right-turn lane:

Architectural Plans prepared by Alleanza Architecture			
CP-DA001	C	Site Plan (Car park)	06/09/2020
CP-DA002	C	Site Analysis	06/09/2020
CP-DA003	C	Demolition Plan	06/09/2020
CP-DA101	C	Proposed Ground Floor Plan (Part1)	06/09/2020

- (c) be consistent with the driveway alterations (Darcy Road/Mother Teresa driveway) shown in MP-DA-100 Issue F prepared by Alleanza Architecture dated 3/09/2021 and the civil

engineering drawings submitted with the SRtS date 06/09/2021 dated including separate left-turn slip lane and right-turn lanes; and

- (d) ensure that any modifications to the traffic control signals (TCS) for the Darcy Road/multi-storey car park intersection meet the TfNSW requirements.

**Note:**

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993.
- Approvals for TCS must be obtained under section 74&4) f the Roads Act 1993.
- All costs associated with the proposed road upgrade works must be borne by the Applicant.

- B10. Prior to the issue of any construction certificate for the internal driveway works including the pedestrian crossing, construction of pedestrian footpath and removal of roundabout, the Applicant must submit design plans to the satisfaction of the Certifier.

### Public Domain Works

- B11. Prior to the issue of the issue of the construction certificate for footpath or public domain works (where required), 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.

### Landscaping

- B12. Prior to the issue of any construction certificate, the Applicant must:

- (a) update all Landscape Plans listed in condition A2 to reflect the current version of the architectural plans listed in condition A2, to the satisfaction of the Certifier; and
- (b) prepare a Landscaping Strategy to the satisfaction of the Certifier, which:
  - (i) identifies any trees and other vegetation to be removed or retained on site and the location of the 130 proposed replacement trees;
  - (ii) include details of any proposed planting within the riparian corridor comprising a diversity of local native provenance species from the relevant native vegetation community;
  - (iii) specifies planting (where possible) of a diversity of local provenance native species trees, shrubs, and groundcovers from the native vegetation community (or communities) that once occurred on the site to improve biodiversity;
  - (iv) uses a diversity of advanced size local native trees (where possible) preferably with a plant container pot size of 100-200 litres, or greater in the landscape areas;
  - (v) provides enough area/space to allow any planted trees to grow to maturity on the site; and
  - (vi) includes a maintenance regime for the proposed planting for a period of 12 months after completion of the works including the commitment to replace any plants lost during this time.

### Stormwater Management System

- B13. 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 satisfaction of the Certifier. 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 Civil Plans, prepared by Northrop submitted with the SRtS and amended proposal dated 6/09/2021;
  - (c) include provisions for peak flow mitigation methods, consistent with the civil plans, to manage any adverse impacts and potential nuisance flooding derived from the local catchment;
  - (d) include details to demonstrate all habitable floor levels are located above the probable maximum flood level plus a 500mm freeboard;

- (e) be in accordance with applicable Australian Standards;
- (f) include stormwater quality treatment measures including rainwater tanks and other storage facilities; and
- (g) 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.

#### **Acoustic details**

- B14. Prior to the issue of the relevant construction certificate for the school building, an addendum to the *Noise and Vibration Impact Assessment Report*, prepared by JHA, dated 23/06/2020 must be submitted to the satisfaction of the Planning Secretary. The report must:
- (a) be prepared by a suitably qualified acoustic consultant;
  - (b) include details of acoustic treatments on the floor, walls and ceiling of the internal recreation spaces within each of the floors; and
  - (c) demonstrate that the noise and vibration created by students using the indoor recreational areas on the upper levels do not adversely impact the amenity of the students within the classrooms of the levels immediately below.
- B15. The construction certificate plans must demonstrate that the proposed building materials and design (for the school and the church) would achieve the recommendations for glazing and noise reduction as outlined in the *Noise and Vibration Impact Assessment Report*, prepared by JHA, dated 23/06/2020 and the addendum required by condition B14.

#### **Geotechnical Investigations**

- B16. Prior to the issue of any relevant construction certificate, which involves disturbance of ground, further geotechnical investigations must be undertaken in accordance with section 8.12 of the *Preliminary Geotechnical and Hydrogeological Assessment* prepared by Martens date February 2020. The results of the investigations and any additional recommendations must be submitted to the satisfaction of the Certifier.
- B17. The construction certificate plans must demonstrate that the recommendations of the Preliminary Geotechnical and Hydrogeological Assessment prepared by Martens dated February 2020 have been incorporated into the detailed design of the new buildings.

#### **Wind Tunnel Testing**

- B18. Prior to the issue of any relevant construction certificate for the school, wind tunnel testing must be undertaken as recommended by *Qualitative Wind Assessment for: Westmead Catholic Community- Project 1 Stage 1* prepared by CPP dated February 2020. Any design recommendations / landscaping recommendations of the wind tunnel testing report must be implemented in the detailed design plans / landscaping for the development.
- B19. If the recommendation of the detailed wind report following the wind tunnel testing require amendment to the design of the external appearance of the building or the addition of screens then the amended design plans / landscaping plans must be submitted to the Planning Secretary for approval, prior to the issue of the construction certificate for the school. The amended plans must be supported by the submission of written evidence confirming that the amended design / landscaping plans do not otherwise significantly reduce solar access to the recreation areas within the building or detract from the overall architectural outcomes.

#### **Detailed plans for the CELC**

- B20. The construction certificate plans for the CELC must include toilets, laundry facilities, nappy changes areas in accordance with the Department's Child Care Planning Guidelines.

#### **Access Report**

- B21. Prior to the issue of any relevant construction certificate, the Applicant must provide evidence to the Certifier from an appropriately qualified person, that the works that are the subject of this development are designed to provide access and facilities for people with a disability, in accordance with the relevant legislation and the recommendations of the Access Review – Final, dated 28 February 2020 prepared by Morris Goding Access Consulting.

## 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 any 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.

### External Walls and Cladding

- C4. Prior to the commencement of any relevant construction stage, 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.

### Protection of Public Infrastructure

- C5. Prior to the commencement of any 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 when requested.

### Pre-Construction Survey – Adjoining Properties

- C6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential/heritage listed *[where applicable]*/commercial buildings that are likely to be impacted by the development.
- C7. Where the offer for a pre-construction survey is accepted (as required by condition C6), 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.
- C8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C7, 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 when requested.

**Note:** Only information relating to the relevant dwelling must be given to the owner/tenant.

## Community Communication Strategy

- C9. No later than two weeks before the commencement of any construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval and be approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. 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.

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) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) 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.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

## Demolition

- C10. Prior to the commencement of any 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 and Planning Secretary.

## Environmental Management Plan Requirements

- C11. 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).

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

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

## Construction Environmental Management Plan

- C12. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) the water source to be used for construction;

- (vii) external lighting in compliance with AS 4282-2019 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 C14);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C15);
  - (d) Construction Waste Management Sub-Plan (see condition C16);
  - (e) Construction Soil and Water Management Sub-Plan (see condition C17);
  - (f) Flood Emergency Response (see condition C18);
  - (g) an unexpected finds protocol for contamination and associated communications procedure; and
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- C13. 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.
- C14. 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;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) detail construction vehicle access arrangements to demonstrate that:
    - (i) construction vehicles can enter and leave the site in a forward direction; and
    - (ii) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2;
  - (f) include details regarding safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs;
  - (g) include details to demonstrate how the cumulative impacts of the concurrent construction of the development and the multi-storey car park (if applicable) would be managed;
  - (h) include details to demonstrate the construction vehicle access arrangements and existing student / staff access to the site during construction works to ensure safe operation of the school at all times; and
  - (i) detail the operational requirements for any Work Zones needed.
- C15. 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) be consistent with the recommendations of the *Noise and Vibration Impact Assessment Report*, prepared by JHA, dated 23/06/2020;
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (e) include strategies that have been developed with the community for managing high noise generating works;

- (f) describe the community consultation undertaken to develop the strategies in condition C15 **Error! Reference source not found.**;
  - (g) includes details of the noise management measures (including scheduling of activities, noise barriers within the site, hoardings etc) that would be installed to ensure that existing students / staff within the site are not impacted by the construction noise;
  - (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C12.
- C16. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
  - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI [flood prone sites]).
- C18. The Flood Emergency Response Sub-Plan (FERSP) 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 *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency responses for both construction and operation phases 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, and students.

### **Ecologically Sustainable Development**

- C19. Prior to the commencement of any construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 4-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.

### **Aboriginal Heritage Management Plan**

- C20. Prior to the commencement of any relevant construction stage which involves ground disturbance, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) to the satisfaction of the Planning Secretary. The plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) include measures to manage and mitigate extant Aboriginal sites and objects that may be recovered from the excavations undertaken within the site;
  - (c) recognise and acknowledge the continued Aboriginal connection of the project area to the Aboriginal community;
  - (d) include procedures for cataloguing and onsite storing / protection of the Aboriginal artefacts (if discovered);
  - (e) include a Care Agreement between the school and the RAPs to ensure appropriate management of the long-term care and curation of any artefacts recovered from the project area; and
  - (f) include management procedures of any recovered Aboriginal objects within the project area, the long-term care and control procedures for Aboriginal objects and obligations of all parties as detailed in the Care Agreement.
- C21. The Applicant must prepare “An Application for the transfer of Aboriginal objects for safekeeping”, signed by the Westmead Catholic Community and the Registered Aboriginal Parties (under the provisions of the *National Parks and Wildlife Services Act*) and submit the signed copy to the Planning Secretary for information.

### **Archaeological Research Design, Excavation Methodology**

- C22. At least 3 months prior to the commencement of any construction works which involve ground disturbance (excluding demolition), the submitted *Aboriginal Cultural Heritage Assessment Report* prepared by Comber Consultants dated February 2020 (ACHAR) must be updated to include:
- (a) the additional information prepared by Comber Consultants (including all Figures) in their submission dated 10 November 2020 and demonstrate that the updated ACHAR meets the requirement 15 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010); and
  - (b) a detailed Aboriginal Archaeological Research Design, Excavation Methodology (ARD), prepared and certified by a suitably qualified archaeologist in consultation with Heritage Division of the Department of Premier and Cabinet (Heritage NSW) and consistent with the updated ACHAR.
- C23. The updated ACHAR must be provided to the Registered Aboriginal Parties (RAPs) for information.
- C24. The updated ACHAR and the ARD, along with evidence of submission of the ACHAR to the RAPs must be submitted to and be approved by the Planning Secretary prior to the commencement of any construction works which involve ground disturbance (excluding demolition).
- C25. Prior to commencement of any excavation works that may disturb Aboriginal archaeological ‘relics’, a suitable qualified Excavation Director must be nominated to oversee and advise on matters associated with Aboriginal archaeology.

### **Soil and Water**

- C26. Prior to the commencement of any construction, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

### **Construction Parking**

- C27. Prior to the commencement of any 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**

- C28. Prior to the commencement of any construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision for 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 for information.

### **Flood Management**

- C29. Prior to the commencement of any construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) evacuation and refuge protocols.
- C30. Prior to the commencement of any construction, the Certifier must be satisfied that all floor levels must be no lower than the Probable Maximum Flood Level plus the required freeboard.

### **Site Contamination**

- C31. Prior to the commencement of any relevant construction stage which involves ground disturbance and following completion of all demolition works Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and identified in *Preliminary Site Investigation: WCC Stage 1* prepared by Martens dated February 2020 and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (b) the site investigation(s) must include borehole testing pits distributed within the development area (as defined in this consent), at the locations where demolition works are proposed;
  - (c) the recommendations of the *Preliminary Site Investigation: WCC Stage 1* prepared by Martens dated February 2020 and the unexpected finds procedure must be updated following results of further site investigations;
  - (d) the documentation must include Detailed Investigation Reports and Remedial Action Plans, if recommended by the updated investigation report mentioned in condition C31(c); and
  - (e) all reports required by condition C31 must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

### **Outdoor Lighting**

- C32. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Aviation Safety Lighting**

- C33. Prior to the commencement of any construction, the Applicant must ensure, to the satisfaction of the Certifier, that the following minimum aviation safety lighting requirements are complied with:
- (a) as a minimum for all tower cranes:

- (i) top of crane A frame or cabin: medium intensity flashing red obstruction light;
  - (ii) both ends of Jib: medium intensity flashing red obstruction light;
  - (iii) along Jib: line of white LED fluoro on a PE cell along the full length of the jib; and
  - (iv) tower section: stairway lights or spot lights attached to the top of the tower pointing down and onto the tower (not up into pilot eyes).
- (b) as a minimum for all luffing cranes:
- (i) top of crane A-frame or cabin: medium intensity red obstruction light;
  - (ii) end of Jib: medium intensity red obstruction light;
  - (iii) along Jib: line of white LED fluoro on a PE cell along the full length of the jib;
  - (iv) tower section: stairway lights or spot lights attached to the top of the tower pointing down and onto the tower (not up into pilot eyes); and
  - (v) the LED jib fluoro lights are to be LED weather proof emergency fluoro controlled via a PE cell with a minimum 90-minute battery back-up.”

#### **Certified plans for roadworks**

C34. The certified copies of the civil design plans in relation to the roadworks and access required by condition B9 must be submitted to TfNSW for consideration and approval prior to the release of a Completion Certificate and commencement of road works.

#### **Dewatering**

C35. The Applicant must obtain a Water Access Licence in accordance with Water Minimisation(General) Regulation 2011, if it is determined prior to commencement of construction that the proposed development would require to dewater 3 megalitres or greater of groundwater per year. Suitable evidence with regard to dewatering (if any) must be submitted to the Certifier prior to the commencement of any construction works.

## 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 purpose 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 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours, subject to notification given to affected residents before undertaking the activities or as soon as is practical afterwards:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.
- D6. Construction activities may be undertaken outside of the hours in conditions D4 and D5, if required: .
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials;
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where a variation is approved in advance in writing by the Planning Secretary or her nominee if appropriate justification is provided for the works.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities must be scheduled during the hours as identified in the CNVMSP, unless otherwise agreed within the Planning Secretary.

### Implementation of Management Plans

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

### Construction Traffic

- D9. All construction vehicles including 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 noise management levels and/or management and mitigation measures in the CNVMSP.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under condition D4 unless otherwise agreed with the Planning Secretary.
- 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 2016 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 30m 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 Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C12 of this consent.

### **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-Tree protection specification report*, prepared by *Tree IQ*, dated 25/2/2020, rev C and the additional letter dated 22/06/2020 prepared by *Tree IQ*; 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.

### **Erosion and Sediment Control**

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

### **Imported Soil**

- D22. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
  - (b) keep accurate records of the volume and type of fill to be used; and
  - (c) make these records available to the Certifier upon request.

### **Disposal of Seepage and Stormwater**

- 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.

### **Unexpected Finds Protocol and excavations – Aboriginal Heritage**

- D25. All excavation works in relation to Aboriginal archaeological relics must be undertaken, prior to the commencement of below ground building works, in consultation with the RAPs and in accordance with the recommendations of the ARD.
- D26. Any archaeological salvage excavation works (if required) and / or monitoring works must be undertaken under the guidance of the nominated Excavation Director in accordance with the requirements of the ARD.
- D27. The Applicant must recover and manage any uncovered relics in accordance with the ACHMP and the Care Agreement within the ACHMP.
- D28. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). The Excavation Director and the registered Aboriginal representatives must be contacted to determine the significance of the

objects. The site must be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works may only recommence following consultation with Heritage NSW and the written approval of the Planning Secretary.

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

D29. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence following consultation with Heritage NSW and the written approval of the Planning Secretary.

### **Aboriginal Heritage Interpretation Strategy**

D30. Within four months of commencement of any construction works (or any alternate timeframe agreed with the Planning Secretary), the Applicant must submit an Aboriginal Heritage Interpretation Strategy to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council;
- (b) acknowledge the Aboriginal heritage significance of the site and include heritage interpretation elements, if relevant;
- (c) recognise and acknowledge the continued Aboriginal connection of the project area to the Aboriginal community;
- (d) incorporate heritage interpretation elements to ensure that the potential impacts on Aboriginal cultural values are managed and mitigated and facilitates ongoing Aboriginal community involvement and engagement in the conservation and celebration of Aboriginal heritage values associated with the Parramatta area; and
- (e) incorporate interpretive information and measures into the design of the site.

### **Waste Storage and Processing**

D31. 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.

D32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D33. 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.

D34. 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.

D35. 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**

D36. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Site Contamination**

D37. If remediation is required for the site (as per the requirements of condition C31), it must be carried out in accordance with a Remediation Action Plan, reviewed and approved by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil

Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme, as required by condition C31 (where necessary).

- D38. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D39. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

#### **Independent Environmental Audit**

- D40. 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.
- D41. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D42. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- D43. 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 D42 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 after submission to the Planning Secretary.
- D44. 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.
- D45. 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 AN OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

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

### **Roadworks, car parking and land dedication**

- E2. Prior to the issue of any occupation certificate for the development, evidence of the following must be submitted to the satisfaction of the Certifier:
- (a) the multi-storey car park with 260 car spaces and pick-up/drop-off area for the high school students and associated internal driveways works (as amended by this consent) have been completed and are operational;
  - (b) a total of 212 car spaces are provided to cater for the proposed development including:
    - (i) parish church attendees (66 spaces) plus 1 shared;
    - (ii) primary school staff (48 spaces);
    - (iii) 3 additional spaces;
    - (iv) primary school visitor/ parents (47 spaces) plus 1 shared;
    - (v) CELC staff (12 spaces) and visitor/ parents (12 spaces);
    - (vi) education support staff (22 spaces); and
    - (vii) additional 12 car spaces for use by the Parish church staff and visitors, being completed and operational;
  - (c) all car parking, bicycle parking, waste collection vehicles and service vehicle access areas comply with the requirements of condition B7 and condition B8;
  - (d) the proposed alterations and upgrades to the Darcy Road/Mother Teresa driveway intersection (north-western corner of the site) are completed and operational with all necessary approvals from the roads' authorities obtained, and appropriate signage installed;
  - (e) the proposed alterations to the Darcy Road/multi-storey car park driveway intersection are completed and operational with all necessary approvals from the roads' authorities obtained, and appropriate signage installed;
  - (f) the internal pedestrian crossing, footpath on the access driveway and removal of round-bout are completed and operational; and
  - (g) the portion of the site that is utilised for widening of Darcy Road and including the additional slip-lane is dedicated to the relevant roads' authority (TfNSW or others) and the registration of the adjusted boundaries of the site and Darcy Road have been completed with all appropriate approvals obtained.

### **Development Contributions**

- E3. Prior to the issue of any occupation certificate, a payment of a levy \$804,742.00 as per the Parramatta Non-CBD Development Contributions Plan must be paid to Council under section 7.12 of the EP&A Act.

*Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.*

### **Pedestrian connections and easements**

- E4. At least 2 months prior to the issue of the first occupation certificate for the school, the Applicant must:
- (a) provide evidence that the internal site link from the multi-storey car park to the school and CELC has been completed so that the users can access the site safely from the multi-storey car park area;

- (b) provide evidence that the paved pedestrian link through the site connecting Farmhouse Road to the western boundary of the site, as required by condition B1(a) is operational and in a satisfactory condition for use by the school/CELC and parish church users;
- (c) provide satisfactory evidence to the Certifier that all required easements (if any) under section 88B and/or positive covenants, have been created within the site (where necessary) to establish this pedestrian link and allow the use of this link by the students of the proposed school, CELC or the users of the parish church at all times; and
- (d) provide satisfactory evidence to the Certifier that a positive covenant has been created under section 88B to allow for the east-west pedestrian link (required by condition B1(a)) or any similar east-west pedestrian link within the site (Lot 1 DP 1095407 and Lot 1 DP 1211982) to be used as public pedestrian access between 7am and 5pm (school days), when the connection is extended from the site to Bridge Road in the future.

#### **Open space provisions**

- E5. To allow for appropriate access to “uncovered and open to air” play spaces (all open spaces outside the footprint and roof overhang of the school building), the Applicant must provide an Open Space Management Plan to the satisfaction of the Planning Secretary, prior to the issue of any occupation certificate. The plan must demonstrate:
- (a) that all students of the primary school would have sufficient and regular access to ground level ovals within the site (Lot 1 DP 1095407 and Lot 1 DP 1211982), without requiring the displacement of other students (such as the high school students) from these ovals;
- OR**
- (b) that arrangements have been made with Council (or other land owners) (with suitable evidence of such agreement submitted to the Planning Secretary) so that off-site “uncovered and open to air” open space can be utilised by the students to compensate for identified lack of open spaces on the site.

#### **External Walls and Cladding**

- E6. 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.
- E7. 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**

- E8. Prior to the issue of an 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 C5 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.

#### **Post-Construction Survey – Adjoining Properties**

- E9. Where a pre-construction survey has been undertaken in accordance with condition C7, 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 C7;
- (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.

E10. 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.

### **Repair of Public Infrastructure**

- E11. 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.*

### **Works as Executed Plans**

E12. 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.

### **Utilities and Services**

E13. 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*.

### **Warm Water Systems and Cooling Systems**

E14. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Outdoor Lighting**

- E15. 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 AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Mechanical Ventilation**

- E16. Prior to 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) *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 and Acoustic design

- E17. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the Certifier that the design related noise mitigation recommendations in the *Noise and Vibration Impact Assessment Report* prepared by JHA dated 23/06/2020 and the addendum required by condition B14 (in relation to acoustic treatment of internal play areas within the school building) have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended operational noise criteria identified in the report.
- E18. Prior to the issue of any relevant occupation certificate, a suitably qualified Acoustic consultant must certify, to the satisfaction of the Certifier, that the proposed glazing, buildings materials including the materials for the integrated recreational areas within the school building, church and CELC (where relevant) achieve the noise criteria as identified in the *Noise and Vibration Impact Assessment Report* prepared by JHA dated 23/06/2020 and the addendum required by condition B14.

## Fire Safety Certification

- E19. 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

- E20. Prior to the issue of any relevant occupation certificate for any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- 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
  - the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

## Green Travel Plan

- E21. Prior to the commencement of operation of the school, a final Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- be consistent with the *Green Travel Plan* attached to the TAA;
  - be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
  - include details based on the updated student catchment area including the number and/or proportion of students living in each postcode;
  - include a minimum target of 10% modal shift to reduce single-car occupancy trips and private car use;
  - identify the number of staff and students within reasonable walking/cycling distance;
  - include staged mode share targets for staff and students which reflect a commitment to increase non-car mode share for travel to and from the site;
  - prepare a Transport Access Guide for staff and students providing information about the range of travel modes, access arrangements and supporting facilities that service the site;
  - 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;
  - include specific tools and actions to help achieve the objectives and mode share targets;
  - 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
  - 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.

### **Bicycle Parking and End-of-Trip Facilities**

E22. Prior to the issue of any relevant occupation certificate or the commencement of operation of the school (whichever occurs earlier), compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:

- (a) the provision of a minimum 209 staff and visitor/student bicycle parking spaces;
- (b) the layout, design and security of bicycle facilities complying with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) the provision of end-of-trip facilities for staff; and
- (d) provision of appropriate pedestrian and cyclist advisory signs.

**Note:** All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads' authority.

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

E23. Prior to the commencement of operation of the school, an OTAMP must be prepared by a suitably qualified person, in consultation with Council, TfNSW, and submitted to the satisfaction of the Planning Secretary. The OTAMP must include the following:

- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
- (b) the location of all car parking spaces on the Westmead Catholic school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (c) the management measures within the site considering the staggered start and finish times of the school;
- (d) the pedestrian walking routes including the proposed site links within the site and the access control measures to ensure safety of children accessing this link;
- (e) the location and operational management procedures of the pick-up and drop-off parking located within the site, including staff management/traffic controller arrangements;
- (f) confirmation that 19 pick-up and drop-off spaces are located within the site for the purpose of the school;
- (g) management measures for the CELC parking areas to reduce conflict with the school pick-up and drop-off activities;
- (h) management measures for the car parking and vehicular access associated with the parish church, consistent with the parish church OMP to reduce conflict between the church use and the school/CELC use;
- (i) timings and restrictions regarding access for waste collection vehicles and other service vehicles to be outside the school peak periods (both AM and PM);
- (j) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements consistent with condition E24;
- (k) details of location of the waste collection areas, service vehicle and waste collection vehicle access and management arrangements for the primary school CELC and parish church to demonstrate that the service vehicle access within the site does not adversely impact on the school traffic movements at any time;
- (l) management of approved access arrangements;
- (m) details to manage traffic on Farmhouse Road, so that this section is not treated as a pick-up and drop-off zone by parents;

- (n) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing pick-up and drop-off parking within the site;
  - (o) car parking arrangements and management associated with the proposed use of school facilities by community members (where relevant); and
  - (p) a monitoring and review program.
- E24. Prior to the commencement of operation of the school, a School Coach and Bus Parking Management Plan must be prepared to ensure that school coaches and school buses can adequately be accommodated within school coach/bus parking facilities on-site without having an impact to the operation of the surrounding transport network.
- The School Coach and Bus Parking Management Plan must be prepared in consultation with TfNSW and submitted to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) for review and endorsement.
- E25. The endorsed plan in condition E24, must be submitted to the Planning Secretary for information, prior to the commencement of operation of the school.

### **Compliance with Food Code**

- E26. Prior to the issue of any relevant occupation certificate, the Applicant is to 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 AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

### **Stormwater Operation and Maintenance Plan**

- E27. Prior to the commencement of operation, an Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

### **Signage**

- E28. Prior to the issue of any relevant occupation certificate or the commencement of operation of the buildings approved by this development consent (whichever occurs first), way-finding signage and signage identifying the location of staff car parking, visitors car parking, drop-off/pick-up areas, bus parking areas, CELC parking must be installed.
- E29. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

### **Operational Waste Management Plan**

- E30. Prior to the issue of any relevant occupation certificate or the commencement of operation of the buildings approved by this development consent (whichever occurs first), 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) describe the location of the waste collection areas for the primary school, the parish church and the ELC;

- (d) include details of number of bins required for each of the collection area including evidence to demonstrate that each of the waste collection areas can accommodate the required number of bins;
- (e) include details of size of waste collection vehicles, manoeuvrability and frequency of collection of waste on a weekly basis from the site;
- (f) include details of waste collection times to ensure that such times do not coincide with the school peak hours;
- (g) detail the materials to be reused or recycled, either on or off site; and
- (h) include the Management and Mitigation Measures included in Operational Waste Management Plan, prepared by Elephant Foot Recycling Solution dated 9 March 2020.

### **Site Contamination**

E31. If, based on further site investigations undertaken in accordance with condition C31, it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied, prior to the issue of the any relevant occupation certificate for proposed works that would result in ground disturbance:

- (a) the Applicant must engage a NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Applicant must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a certified consultant and submit it to the Planning Secretary and relevant Council for information prior to the issue of the relevant occupation certificate or the commencement of operation (whichever occurs earlier);;
- (b) the development must not be used for the purpose approved under the terms of this consent until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

### **Landscaping**

E32. Prior to the issue of any relevant occupation certificate, the Applicant must submit evidence to the satisfaction of the Certifier, demonstrating that the landscaping of the site has been completed in accordance with landscape plan(s) listed in condition A2(d) as updated by condition B12.

E33. Prior to the issue of the any relevant occupation certificate, the Applicant must prepare and submit to the Certifier for approval, an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.

### **Operational Management Plan**

E34. Prior to the issue of the first occupation certificate, an Operational Management Plan (OMP) for the components of the development (school, CELC and parish church) must be prepared by the Applicant, to the satisfaction of the Planning Secretary. The OMP (including the relevant sub-plans) must be updated prior to the issue of the occupation certificate for each of the subsequent stages where the additional uses are proposed (including the school, CELC and parish church). The OMP (as updated from time to time) must include, but not be limited to, the following:

- (a) School OMP sub-plan (condition E35);
- (b) Parish church OMP sub-plan (condition E36);
- (c) CELC OMP sub-plan (condition E37);
- (d) Operational Flood Emergency Management Plan (condition E38);
- (e) an overarching complaint handling system that would be applicable to all of the sub-plans and can be displayed publicly on the school's website; and
- (f) an overarching review and monitoring program for a yearly review and monitoring of the operations of each of the relevant uses (applying to all of the sub-plans) at their commencement.

E35. The School OMP sub-plan must include the following:

- (a) details confirming that the core school hours and Out-of-hours school care (OOSH) would be as follows:
  - (i) primary school: 6am to 8pm (Monday to Friday); and
  - (ii) OOSH: 6am to 9am and 3pm to 7pm (Monday to Friday);
- (b) details confirming the staggered start and finish times of the school as identified in the TAA;
- (c) details confirming the number of students enrolled in the (OOSH) care;
- (d) restricting the use of the rooftop play area after 6pm in the evening;
- (e) details to confirm the open space allocation for the students within the school building including:
  - (i) Kindergarten to Year 2 – Ground and Level 1;
  - (ii) Years 3 to Year 4 – Levels 4 and 5;
  - (iii) Years 5 and 6 – Levels 2 and 3; and
  - (iv) allocation of rooftop open space to students.
- (f) details of access to the ovals by the students during a typical school week and the schedule of such access and activities;
- (g) a schedule of use of open spaces internally within the school building on a typical school day by students of each year group, and a noise management plan to ensure that the recreational activities within the school building are managed on a typical school day and the noise generated by these activities conducted by one particular year do not impact on the activities of the students of another Year or cohort;
- (h) details of access to any off-site open spaces for organised sporting events (where relevant and if needed);
- (i) measures to ensure all way-finding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
- (j) measures to ensure that all security gates to the carparks that would not be used after the school or CELC operational hours, are closed after the operating hours;
- (k) waste collection times and other deliveries (canteen, maintenance etc) in accordance with the times provided in page 25 of the TAA to ensure that there is no conflict with the peak drop-off/pick-up times;
- (l) management measures for the café/canteen to ensure that it is used in conjunction with the school use only;
- (m) measures to manage operational noise impacts, particularly from outdoor playground and recreational areas and rooftop play areas, to ensure the use of the development does not result in exceedances of the noise criteria in the prepared by *Noise and Vibration Impact Assessment Report* prepared by JHA dated 23/06/2020;
- (n) details confirming the ability of school staff and parish church users to access the on-site school parking area outside of core school hours and the relevant security measures to ensure security of the premises; and
- (o) details of location of the permanent public announcement or school bell and the associated noise limits of this system to ensure an acceptable amenity of the neighbouring residential properties.

E36. The Parish Church OMP sub-plan must include the following:

- (a) the number of attendees, time and duration including confirmation that the number of attendees would be restricted to 400 at any one time;
- (b) details of the operating hours to be restricted between:
  - (i) 8am to 10am (Monday to Friday);
  - (ii) 8am to 10am and 4.30pm to 7pm (Saturday); and
  - (iii) 7am to 12pm (Sunday);

- (c) details of the additional hours of operation during special events (such as Christmas, Easter and other mass gathering events at the parish church) and the confirmation of use of the premises during such occasions in accordance with the Out of Hours Event Management Plan in condition F6;
- (d) details of the weekend usage of the parish church, consistent with the information submitted in the Indicative Community Schedule submitted at Appendix R of the RtS;
- (e) details to confirm that the parish church would be used only by the school during the school core hours except for occasional baptism, wedding, or funeral (between 10am – 2pm) including the number of times such events can occur in a year;
- (f) arrival and departure times and modes of transport;
- (g) the schedule of community use of the church, consistent with the schedule submitted with the RtS,
- (h) where relevant, a schedule of all annual events of the church;
- (i) location of the car parking areas for the parish church, loading/unloading areas and wedding/funeral parking areas (where relevant);
- (j) measures to encourage non-vehicular travel to the church and promote (i.e. public transport);
- (k) measures to minimise localised traffic and parking impacts;
- (l) details confirming the methods of waste collection from the parish church to ensure that the amenity of the neighbourhood is not impacted by littering and inadequate waste management; and
- (m) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan.

E37. The CELC OMP sub-plan must include the following:

- (a) details confirming that the operating hours of the premises would be between 6am to 6pm, Monday to Friday;
- (b) confirmation that the maximum capacity of the CELC would be 200 children and 20 staff;
- (c) details confirming outdoor play times for the CELC children are restricted between 7am - 6pm;
- (d) confirmation that no more than 100 children can use the outdoor play ground for the CELC, at any one time;
- (e) a playtime programme with specific reference to management measures during the use of the outdoor play space;
- (f) details to confirm that the windows of the CELC are not to be opened prior to 7am each day;
- (g) details of access control measures including the automatic door/gate and entry system; and
- (h) access control measures for the CELC and separation from the school use.

E38. The Flood Emergency Management sub-plan must include the following:

- (a) is prepared by a suitably qualified and experienced person(s);
- (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
- (c) includes details of:
  - (i) the flood emergency responses for operational phase of the development including closure of the facilities if extreme weather prevails;
  - (ii) predicted flood levels;
  - (iii) flood warning time and flood notification;
  - (iv) assembly points and evacuation routes;
  - (v) evacuation and refuge protocols; and
- (d) awareness training for employees and contractors, and visitors.

- E39. The OMP (including the sub-plans) must be updated prior to the completion of each construction stage identified in the Staging Report required by condition A18 and be submitted to the Planning Secretary for approval prior to the occupation certificate for that Construction Stage.

#### **Heritage Interpretation Strategy**

- E40. The Applicant must implement the design related elements of the Aboriginal Heritage Interpretation Strategy in condition D30.
- E41. Prior to the issue of the relevant occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier to demonstrate that the recovered Aboriginal artefacts (if any) have been managed in accordance with the ACHMP and specifically the Care Agreement.

#### **Wind Impacts**

- E42. Prior to the issue of the occupation certificate for the school, a suitably qualified consultant must provide a letter to the Certifier, certifying that the open space areas on the various levels, the roof top and the other trafficable semi-outdoor areas within the building include measures to reduce adverse impacts of wind effects, as specified in the Qualitative Wind Assessment for: Westmead Catholic Community- Project 1 Stage 1 prepared by CPP dated February and as updated by the wind tunnel testing results required by this development consent.

#### **Community access to recreational facilities**

- E43. Prior to the issue of the occupation certificate for the school (unless alternate timeframe is agreed within the Planning Secretary), the Applicant must provide evidence that:
- (a) a management plan has been developed in conjunction with the other existing schools within the site to allow access to the sports and recreational facilities to the community outside the school hours, for at least three days a week, and a copy of the management plan has been approved by the Certifier;
- OR**
- (b) satisfactory consultation has been undertaken with the other owners of the site in developing a management plan referred to in condition E43(a) and that this plan can be delivered within 12 months of commencement of operation of the school.

#### **Waste Collection Area**

Prior to the commencement of operation of the pedestrian link from Farmhouse Road, the Applicant must provide waste collection areas on the school's frontage to this road, to ensure littering is avoided in the future.

#### **Accessibility provisions**

- E44. Prior to the issue of the relevant occupation certificate, the Applicant must provide evidence to the Certifier, from a suitably qualified Access Consultant, to demonstrate that all accessibility requirements, as required by condition B21, have been complied with.

## PART F POST OCCUPATION

### Through site pedestrian link

- F1. Within 12 months of commencement of operation of the school, the Applicant must provide the following to the satisfaction of the Planning Secretary:
- (a) evidence that:
    - (i) an east-west link from the site to Bridge Road (to the west) including possible access through the adjoining properties to the west and the riparian zone (in accordance with the schematic plans in condition B1, or otherwise agreed with the Planning Secretary) has been constructed; and
    - (ii) all required easements (for the internal site link, if needed and the extended pedestrian link to Bridge Road) under section 88B and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming Council/Planning Secretary (or the relevant public authority) as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council / Planning Secretary (or the relevant public authority), have been registered, to establish this pedestrian link and allow the use of this link by the students of the proposed school, CELC or the users of the parish church at all times;
  - OR**
  - (b) where an east-west link from the site to Bridge Road (to the west) including possible access through the adjoining properties to the west is not built/completed, but an agreement(s) is/are in place for the link providing a realistic timeline for delivery of the link is provided to the Planning Secretary and the timeframe of the delivery of the link is agreed with.
  - OR**
  - (c) evidence that:
    - (i) the Applicant has undertaken extensive consultation and engagement with the adjoining property owners and the relevant public authorities to establish the above link in condition F1(b);
    - (ii) evidence of this consultation is provided; and
    - (iii) the reasons for which the pedestrian link cannot be established through the adjoining properties and/or riparian zone adjoining the site.
- F2. If an alternate timing for delivery of the through site link to Bridge Road (as required by condition F1(b)) is agreed with the Planning Secretary, then the link must be delivered within that time.

### Out of Hours Event Management Plan

- F3. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the sections of the school building, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F4. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.

- F5. The school or the CELC building, and the associated landscaping are not to be used for any community use unless specified in the management plan required by condition E43.
- F6. Prior to the commencement of the first out of hours event for church use (for the special occasions such as Christmas, Easter) that involves 100 or more people, the Applicant must prepare an Out of Hours Event Management Plan (Church) in consultation with Council and submit it to Council and the Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) details of the use of the sections of the church, where applicable and the hours of such use;
  - (e) details of on-site parking for the visitors and parish church staff and measures to minimise impacts on surrounding roads due to parking of cars by the parish church users; and
  - (f) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- F7. The Out of Hours Event Management Plan (Church) must be implemented by the Applicant for events that involve 100 or more people.

#### **Operating hours**

- F8. The operating hours of the premises are restricted to the following, except where specified in the OMP (including the sub-plans):
- (a) school: 6am to 8pm (Monday to Friday);
  - (b) OOSH: 6am to 9am and 3pm to 7pm (Monday to Friday);
  - (c) CELC: 6am to 6pm (Monday to Friday); and
  - (d) Parish church: 8am to 10am (Monday to Friday);  
8am to 10am and 4.30pm to 7pm (Saturday); and  
7am to 12pm (Sunday).

#### **Use of Farmhouse Road**

- F9. The Farmhouse Road entry to the site must not be used as a pick-up and drop-off zone in the future for the primary school.

#### **Operation of Plant and Equipment**

- F10. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

#### **Warm Water Systems and Cooling Systems**

- F11. 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**

- F12. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

#### **Aboriginal Heritage Interpretation Plan**

- F13. The Applicant must implement the most recent version of the Aboriginal Heritage Interpretation Strategy approved under condition D30.

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

F14. The OTAMP(s) approved under condition E23 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Management Plan (OMP)**

F15. The OMP (including the sub-plans) approved under condition E34 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Noise Limits**

F16. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *Noise and Vibration Impact Report*, prepared by JHA, dated 23/06/2020 as amended by condition B14.

### **Unobstructed Driveways and Parking Areas**

F17. 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**

F18. The Green Travel Plan required by condition E21 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

F19. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built 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 C19, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

F20. Notwithstanding condition E15, 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**

F21. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E32 for the duration of occupation of the development.

### **Signage**

F22. The wayfinding signage approved as part of this development consent must not be illuminated.

## APPENDIX 1 ADVISORY NOTES

### General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

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

### Legal Notices

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

### Access for People with Disabilities

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

### 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 Occupancy Licence

AN8. 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

AN9. 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

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### Speed limit authorisation [for Schools]

AN12. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;

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

### **Fire Safety Certificate**

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 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A33 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.