

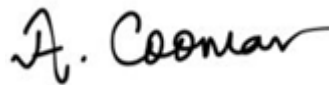
# Development Consent

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

As delegate of the Minister for Planning under delegation executed on 26 April 2021, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Aditi Coomar

**A/Director**

**Social and Infrastructure Assessments**

Sydney

2022

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD-15001460
<b>Applicant:</b>	Department of Education
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 2 DP1051798, Vines Drive, Richmond at Western Sydney University (Hawkesbury Campus), 2 College Street, Richmond.
<b>Development:</b>	Construction and operation of a new agricultural and science, technology, engineering and maths teaching school and short-term accommodation for up to 62 visiting students and teaching professionals.

## 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>	Department of Education 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>BDAR</b>	Biodiversity Development Assessment Report prepared by Narla Environment and dated 14 December 2021
<b>Bush Regenerator</b>	Means the holder of accreditation from the Australian Associate of Bush Regenerators
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<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 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<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 demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</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>	Hawkesbury City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities 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 and Environment
<b>EIS</b>	The Environmental Impact Statement titled <i>Hawkesbury Centre of Excellence</i> prepared by RPS and dated 5 August 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Development Certification and Fire Safety Regulation</b>	<i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (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 <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>EMP</b>	Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 9 of the EIS
<b>Material harm</b>	Is harm that: <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</li> </ul>

	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)
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction excluding operational readiness work
<b>Operational readiness work</b>	Use of the completed areas of the site by school staff to prepare for the operation of the school
<b>Planning Secretary POEO Act</b>	Planning Secretary under the EP&A Act, or nominee <i>Protection of the Environment Operations Act 1997</i>
<b>Qualified Ecologist</b>	An ecologist consultant (minimum 3 years' experience) with a minimum tertiary degree in Science, Conservation, Biology, Ecology, Natural Resource Management, Environmental Science or Environmental Management. The ecologist consultant must be licensed with a current Department of Primary Industries Animal Research Authority permit and New South Wales Scientific License issued under the <i>Biodiversity Conservation Act 2016</i> .
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>RtS</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, titled <i>Response to Submissions Report Hawkesbury Centre of Excellence– SSD 15001460</i> , prepared by RPS and dated 10 November 2021
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>SRtS</b>	The Applicant's Supplementary Response to Submissions to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, titled <i>Response to the request for Information by DPIE</i> , prepared by RPS and dated 16 December 2021.
<b>TfNSW</b>	Transport for New South Wales
<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, RtS and SRtS; and
- (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by NBR Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
H-AR-DW-A-SSDA-0102	3	Proposed Site Plan	04/11/21
H-AR-DW-A-SSDA-0103	3	Proposed Roof Plan	04/11/21
H-AR-DW-A-SSDA-0104	3	Demolition Plan	28/06/21
H-AR-DW-A-SSDA-0105	3	Site Circulation Plan	04/11/21
H-AR-DW-A-SSDA-0106	3	Site Security and Fence Plan	04/11/21
H-AR-DW-A-SSDA-1000	3	Ground Floor Plan Part 1	04/11/21
H-AR-DW-A-SSDA-1001	3	Ground Floor Plan Part 2	04/11/21
H-AR-DW-A-SSDA-1002	5	Ground Floor Plan Part 3	01/11/21
H-AR-DW-A-SSDA-1010	3	Block A Plan	04/11/21
H-AR-DW-A-SSDA-1011	2	Block B Plan	28/04/21
H-AR-DW-A-SSDA-1012	5	Block C Plan	04/11/21
H-AR-DW-A-SSDA-1013	3	Block D Plan	04/11/21
H-AR-DW-A-SSDA-1014	3	Block E Plan	04/11/21
H-AR-DW-A-SSDA-1015	3	Block F Plan	04/11/21
H-AR-DW-A-SSDA-1016	3	Block G & H Plan	04/11/21
H-AR-DW-A-SSDA-1017	2	Aboriginal Enterprise Plans, Elevations & Sections	04/11/21

H-AR-DW-A-SSDA-1020	3	Block A Roof Plan	04/11/21
H-AR-DW-A-SSDA-1021	3	Block B Roof Plan	04/11/21
H-AR-DW-A-SSDA-1022	3	Block C Roof Plan	04/11/21
H-AR-DW-A-SSDA-1023	3	Block D Roof Plan	04/11/21
H-AR-DW-A-SSDA-1024	3	Block E Roof Plan	04/11/21
H-AR-DW-A-SSDA-1025	3	Block F Roof Plan	04/11/21
H-AR-DW-A-SSDA-3000	3	Block A Elevations	04/11/21
H-AR-DW-A-SSDA-3001	3	Block B Elevations	04/11/21
H-AR-DW-A-SSDA-3002	3	Block C Elevations	04/11/21
H-AR-DW-A-SSDA-3003	3	Block D Elevations	04/11/21
H-AR-DW-A-SSDA-3004	2	Block E Elevations	28/04/21
H-AR-DW-A-SSDA-3005	2	Block F Elevations	28/04/21
H-AR-DW-A-SSDA-3006	3	Block G & H Elevations	04/11/21
H-AR-DW-A-SSDA-4000	3	Block A & B Sections	04/11/21
H-AR-DW-A-SSDA-4001	3	Block C & D Sections	04/11/21
H-AR-DW-A-SSDA-4002	3	Block E & F Sections	04/11/21
H-AR-DW-A-SSDA-4003	2	Block G & H Sections	28/04/21
H-AR-DW-A-SSDA-4500	2	Typical Wall Sections	28/04/21
H-AR-DW-A-SSDA-8000	2	CoE Colour Palette	28/04/21
H-AR-DW-A-SSDA-8001	2	External Finishes	28/04/21
H-AR-DW-A-SSDA-8500	1	Signage	28/04/21
H-AR-DW-A-SSDA-10000	1	Render	28/04/21
<b>Landscape Plans prepared by NBR Architecture Landscape</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
20417-NBR-S-L-SK-001	E	Structure Plan	09/11/21
20417-NBR-S-L-SK-002	F	Context Plan	09/11/21

20417-NBRS-L-SK-004	B	Landscape Design and Character	28/04/21
20417-NBRS-L-SK-005	E	Overall Tender Plan	09/11/21
20417-NBRS-L-SK-006	C	Landscape Legend and Schedule	28/04/21
20417-NBRS-L-SK-007	C	Arrangement Plan 01	06/07/21
20417-NBRS-L-SK-008	D	Arrangement Plan 02	09/11/21
20417-NBRS-L-SK-009	C	Arrangement Plan 03	09/11/21
20417-NBRS-L-SK-010	E	Arrangement Plan 04	09/11/21
20417-NBRS-L-SK-011	B	Landscape Sections	28/04/21
20417-NBRS-L-SK-012	E	Planting Plan and Schedule	09/11/21

- 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 (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.

#### **Prescribed Conditions**

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under the EP&A Development Certification and Fire Safety Regulation.

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

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

#### **Evidence of Consultation**

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document for information or approval; and
  - 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**

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted 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).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

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

- A13. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.



- A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *The EP&A Development Certification and Fire Safety Regulation sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

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

### **External Materials**

- A19. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
  - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
  - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### **Design and Construction for Bush Fire**

- A20. New construction must comply with Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas or NASH National Standard Steel Framed Construction in Bushfire Areas (as updated) as appropriate and section 7.5 of *Planning for Bush Fire Protection 2019* and specifically:
- (a) Blocks A, B, C, D, E and F must provide ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders; and
  - (b) Blocks G and H must be constructed entirely of non-combustible materials and provide ember protection. This must be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

### **Applicability of Guidelines**

- A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A22. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## Monitoring and Environmental Audits

A23. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site Audit Report and independent auditing.

*Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

## Access to Information

A24. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
  - (x) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

## Compliance

A25. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## Incident Notification, Reporting and Response

A26. The 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.

A27. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

## Non-Compliance Notification

A28. 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.

A29. 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.

- A30. 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**

- A31. Within three months of:

- (a) the submission of a compliance report under condition A34;
- (b) the submission of an incident report under condition A27;
- (c) the submission of an Independent Audit under condition C42 or C43;
- (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.

- A32. 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**

- A33. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A34. 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.
- A35. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A36. 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.

### **Maximum Capacity for Short-Term Accommodation**

- A37. The maximum student and teacher population permitted to utilise the short-term accommodation facilities at any one time must not exceed 62 persons.

## **PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- B1. 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.
- B2. 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**

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **External Walls and Cladding**

- B4. Prior to the commencement of the installation and construction of external cladding, 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.

### **Pre-Construction Dilapidation Report - Protection of Public Infrastructure**

- B5. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

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

- B6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and commercial buildings that are likely to be impacted by the development.
- B7. Where the offer for a pre-construction survey is accepted (as required by condition B6), 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.
- B8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B7, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each 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.

## Community Communication Strategy

- B9. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. 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.

## Ecologically Sustainable Development (ESD)

- B10. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 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.

## Outdoor Lighting

- B11. 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.

## Construction Equipment – Use of Construction Crane(s)

- B12. Prior to the commencement of use of construction crane(s) that obstruct the Obstacle Limitation Surfaces (OLS), the Applicant must:
- (a) obtain the approval of Royal Australian Air Force Base Richmond;
  - (b) mark the cranes appropriately; and
  - (c) notify the pilots via a notice to airmen in accordance with the requirements of Royal Australian Air Force Base Richmond.

*Note: Cranes must only operate during daylight hours.*

## Environmental Management Plan Requirements

- B13. Management plans required under this consent must be prepared having regard to the 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/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

## Construction Environmental Management Plan

- B14. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. 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) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
    - (v) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B9;
  - (b) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B15);
  - (d) Construction Noise and Vibration Management Sub-Plan (see condition B16);
  - (e) Construction Waste Management Sub-Plan (see condition B17);
  - (f) Construction Soil and Water Management Sub-Plan (see condition B18);
  - (g) Biodiversity Management Sub-Plan (see condition B19); and
  - (h) Flood Emergency Response (see condition B20).
- B15. 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:
    - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
    - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
    - (iii) heavy vehicle routes, access and parking arrangements;
    - (iv) 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, in accordance with the latest version of AS 2890.2; and
    - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- B16. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B16(d);

- (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B13.
- B17. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the procedures for the management of waste including the following:
- (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.
- B18. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSWP) 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) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (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.
- B19. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person/s;
  - (b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the Biodiversity Development Assessment Report prepared by Narla Environment and dated 14 December 2021 (BDAR) and set out how these areas will be protected from construction impacts; and
  - (c) set out the measures identified in the BDAR to minimise, mitigate and manage impacts on biodiversity, including timing and responsibility for delivery of the measures.
- B20. 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 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 users/visitors.

- B21. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### **Construction Parking**

- B22. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

### **Flood Management**

- B23. Prior to the commencement of 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.
- B24. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels are no lower than the 1% Annual Exceedance Probability (AEP) flood plus 500mm of freeboard in accordance with the recommendations of the Flood Impact Assessment Report (reference: 20-307) prepared by Woolacotts Consulting Engineering and dated 28 April 2021.
- B25. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1% AEP plus 500mm of freeboard are constructed from flood compatible building components.

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

- B26. Prior to installation of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the Centre of Excellence in Agricultural Education Noise and Vibration Assessment dated 22 June 2021 and prepared by Marshall Day Acoustics Pty Ltd must be undertaken by a suitably qualified person; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under condition B26(a) have been incorporated into the design to ensure the development will not exceed the identified project noise trigger levels in the Centre of Excellence in Agricultural Education Noise and Vibration Assessment dated 22 June 2021 and prepared by Marshall Day Acoustics Pty Ltd.

### **Biodiversity**

- B27. Prior to the commencement of construction, the number and classes of ecosystem credits (like-for-like) set out in the Biodiversity Assessment Method (BAM) Biodiversity Credit Report contained in Appendix B of the BDAR must be retired.
- B28. The requirement to retire like-for-like ecosystem credits in condition B27 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- B29. Evidence of the retirement of credits in satisfaction of condition B27 or payment to the Biodiversity Conservation Fund in satisfaction of condition B28 must be provided to the Planning Secretary prior to commencement of construction.

### **Operational Waste Storage and Processing**

- B30. Prior to the commencement of construction of waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage



area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:

- (a) is constructed using solid non-combustible materials;
- (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
- (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
- (d) is naturally ventilated or an air handling exhaust system must be in place; and
- (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### **Road Upgrade and Intersection Works**

- B31. Prior to the commencement of construction of the Londonderry Road and Vines Drive intersection road works and in accordance with the RtS, the Applicant must submit plans and technical specifications to the satisfaction of the relevant roads authority (including but not limited to landscaping, footpaths/pavement design, services and crossing facilities).
- B32. Prior to the commencement of construction of road works to Vines Drive, Maintenance Lane, Resources Road and Clydesdale Lane and in accordance with the RtS, the Applicant must submit plans and technical specifications to the satisfaction of the relevant land owner for upgrades and widening (including but not limited to bus bays, services, landscaping, footpaths/pavement design, crossing facilities, roundabout and crossovers).
- B33. Prior to the commencement of upgrading works to Londonderry Road as detailed in the RtS, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along Londonderry Road are to be submitted to TfNSW for approval.
- B34. Prior to the commencement of upgrading works to existing Western Sydney University campus internal roads, the Applicant must submit design plans to the Certifier which demonstrate that the proposed internal roads comply with Table 6.8b of Planning for Bush Fire Protection 2019.

*Note:*

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *The Applicant must enter into a Works Authorisation Deed (WAD) for works at the Londonderry Road and Vines Drive intersection. TfNSW fees for administration, plan checking, civil works inspections and project manager are to be paid by the Applicant prior to commencement of works.*
- *Plans and technical specifications must be endorsed by a suitably qualified practitioner in accordance with AUSTRROADS and applicable Australian Codes of Practice.*
- *All costs associated with the proposed road upgrade works (including utility adjustment and relocation) must be borne by the Applicant.*

### **Operational Access, Car Parking and Service Vehicle Arrangements**

- B35. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) a minimum of 39 on-site car parking spaces are provided for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (b) the swept path of the largest service vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

### **Public Domain Works**

- B36. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

## **Site Contamination**

B37. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

## **Project Arborist**

B38. Prior to the commencement of vegetation removal or construction (whichever comes first), a project arborist must be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this consent. The project arborist must have a minimum AQD Level 5 qualification and minimum 5 years' experience. Details of the arborist including name, business name and contact details must be provided to the Certifier.

## **Seed Collection**

- B39. Prior to the commencement of vegetation removal or construction (whichever comes first), the Applicant must:
- (a) engage a qualified bush regenerator to establish and implement a native vegetation seed collection program for:
    - (i) the collection and propagation of seed from native plants (trees, shrubs and groundcover) approved for removal; and
    - (ii) use of the propagated native plants within the landscaped planting areas on site; or
  - (b) obtain advice from a qualified bush regenerator stating that the requirements of (a) above cannot be achieved due to the season and/or seed availability at the time vegetation removal is planned to commence.

## **Project Ecologist**

- B40. Prior to commencement of vegetation removal or construction (whichever comes first), the Applicant must engage a qualified Ecologist. Details of the ecologist consultant including name, business name and contact details must be provided to the Certifier.
- B41. The ecologist consultant, as required by condition B40 above, must be commissioned to:
- (a) undertake any required targeted searches for threatened flora prior to vegetation clearing;
  - (b) undertake an extensive pre-clearing survey;
  - (c) to delineate, map, tag and mark:
    - (i) habitat bearing trees and shrubs to be retained, removed or transplanted;
    - (ii) flora and fauna habitat features including but not limited to, determining the presence of any resident native fauna using nests, dreys, hollows or logs;
  - (d) supervise the clearance of trees and shrubs (native and exotic) in order to capture, treat and/or relocate any displaced native fauna to an appropriate nearby location; and
  - (e) prior to tree removal, salvage sections of a tree containing a hollow or habitat.

## **Replacement nest boxes, Tree Hollows and Habitat Improvement**

- B42. Prior to the commencement of vegetation removal or construction (whichever comes first), where hollow dependent native fauna are found using existing hollows, compensatory tree hollows must be provided prior to the release of the hollow dependent fauna, unless the removed tree hollows can be relocated and installed on the same day they are removed.
- B43. Prior to the commencement of vegetation removal or construction (whichever comes first), the Applicant must provide to the Certifier:
- (a) details on the size, type, number, and location of nest boxes required;
  - (b) installation location of replacement nest boxes, providing alternate habitat for hollow-dependent fauna displaced during clearing;
  - (c) salvage and relocate any tree hollows approved for removal to appropriate locations on the same day and prior to the release of any native fauna found using the tree hollows; and
  - (d) install other habitat features such as logs and bee hotels.

## Landscaping

B44. Prior to the commencement of landscaping works, the Applicant must prepare a revised Landscape Plan and submit it to the satisfaction of the Certifier. The plan must:

- (a) provide for the planting of 120 trees, using advanced and established local native trees with a minimum plant container pot size of 100L or greater representative of the River-flat Eucalypt Forest Endangered Ecological Community. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed;
- (b) plan for and provide capacity to the school to plant 105 orchard trees within six months of the commencement of school operation;
- (c) where agricultural plantings are not required, in consultation with a bush regenerator, detail planting and landscaping using a diverse range of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation communities that occur or once occurred within the locality;
- (d) demonstrate that sufficient space and area is provided to allow trees to grow to maturity;
- (e) provide a maintenance regime for the regular upkeep and watering 12 months after planting occurs. Where planted vegetations occur a loss during this maintenance regime, compensatory replacement planting must occur;
- (f) comply with the principles of Appendix 4 of *Planning for Bushfire Protection 2019*; and
- (g) identify where practicable, the reuse of any of removed native trees including tree hollows, tree trunks (greater than 25 to 30cm in diameter and 2 to 3metres (m) in length), and root balls and in accordance with the following:
  - (i) where removed native trees are not able to be entirely reused on site, the Applicant must consult with local community restoration/rehabilitation groups such as Landcare groups, and relevant public authorities including NSW National Parks & Wildlife Service, Council and Greater Sydney Local Land Services to determine if the removed trees can be reused in habitat enhancement and rehabilitation work off site.
- (h) provide details of any consultation with the community groups and public authorities in relation to condition B44(g)(i) .

## **PART C DURING CONSTRUCTION**

### **Site Notice**

- C1. 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**

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Construction Hours**

- C3. 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.

- C4. Notwithstanding condition C3, provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following hours:

- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
- (b) between 1pm and 4pm, Saturdays.

- C5. Construction activities may be undertaken outside of the hours in condition C3 and C4 if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
- (c) where the works are inaudible at the nearest sensitive receivers; or
- (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

### **Implementation of Management Plans**

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

## Construction Traffic

- C9. All construction 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.

*Note: Works within the road reserve requires an approval under the Roads Act 1993 from the relevant roads authority and a performance, damage and defects bond must be obtained to cover any restoration required to roads resulting from deterioration caused by construction traffic.*

## Hoarding Requirements

- C10. 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

- C11. 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

- C12. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Sub-Plan.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3.
- C14. 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

- C15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B16 of this consent.

## Tree Removal and Transplantation

- C18. The following trees, as identified in the Arboricultural Impact Assessment Report for Centre of Excellence and the Vines Drive Upgrade Arboricultural Impact Assessment Report, dated 13 December 2021 and prepared by Sturt Noble Arboriculture, are approved for removal:
- (a) within the site, tree numbers 5, 6, 7, 8, 9, 26 and 27; and
  - (b) with relevant landowner's consent along Vines Drive, tree numbers 35, 36, 37 and 40.

- C19. In accordance with the management and mitigations measures identified in the Arboricultural Impact Assessment Report for Centre of Excellence and the Vines Drive Upgrade Arboricultural Impact Assessment Report, dated 13 December 2021 and prepared by Sturt Noble Arboriculture, the following juvenile trees are to be transplanted to suitable landscaped locations on the site or with relevant landowner's consent, within the Western Sydney University campus:
- (a) within the site, tree numbers 15, 16, 21, 22 and 23; and
  - (b) along Vines Drive 25, 26, 26A, 27 and 39.
- C20. The Applicant must engage a qualified bush regenerator or Arborist to supervise the removal and transplantation of native juvenile plants.
- C21. Transplantation of trees identified in condition C19 must occur when plant growth conditions are ideal to facilitate best possible survival rates based on advice from a qualified bush regenerator or Arborist.

### **Tree Protection**

- C22. 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 boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
  - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment Report for Centre of Excellence and the Vines Drive Upgrade Arboricultural Impact Assessment Report, dated 13 December 2021 and prepared by Sturt Noble Arboriculture; 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**

- C23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C24. 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.

### **Imported Soil**

- C25. 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**

C26. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the Certifier. The prior written approval of Western Sydney University must be obtained to connect or discharge site stormwater to Western Sydney University's stormwater drainage system or street gutter.

### **Emergency Management**

C27. 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.

### **Stormwater Management System**

C28. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS and RtS;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;

### **Aboriginal Cultural Heritage**

C29. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report, dated 29 June 2021 and prepared by Archaeological Management & Consulting Group and Streat Archaeological Services.

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

C30. In the event that surface disturbance identifies a new Aboriginal object:

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

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

C31. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW must be contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

### **Waste Storage and Processing**

C32. 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.

C33. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C34. 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.

- C35. 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.
- C36. 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**

- C37. 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**

- C38. Remediation of the site must be carried out in accordance with the Remediation Action Plan Centre of Excellence in Agricultural Education prepared by Douglas Partners Pty Ltd and dated 20 May 2021 and any variations to the Remediation Action Plan Centre of Excellence in Agricultural Education approved by an NSW EPA-accredited Site Auditor.
- C39. Where remediation is 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) prior to the use/operation of the remediated area(s).
- C40. 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**

- C41. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C42. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C43. 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 weeks notice to the Applicant of the date or timing upon which the audit must be commenced.
- C44. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C42 of this consent, or condition C43 where notice is given;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C45. Independent Audit Reports and the applicant/proponent'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 unless otherwise agreed by the Planning Secretary.
- C46. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, 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.

### **Operational Readiness Work**

- C47. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:
- (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);



- (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
  - (c) arrangements to ensure the safety of school staff on the site, including how:
    - (i) areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction;
    - (ii) pedestrian access to and within the site will be managed to ensure no conflict with construction vehicle movements; and
  - (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- C48. Operational readiness work must only be undertaken in accordance with the details submitted under condition C47 and the following requirements:
- (a) no more than 15 staff are involved in operational readiness work on site at any one time;
  - (b) no students or parents are permitted on the site; and
  - (c) the Applicant has implemented appropriate arrangements to ensure the safety of school staff on the site.

## PART D PRIOR TO COMMENCEMENT OF OPERATION

### Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. 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.

### Works as Executed Plans

- D4. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### Warm Water Systems and Cooling Systems

- D5. 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

- D6. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Mechanical Ventilation

- D7. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

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

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B26 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger levels identified in the Centre of Excellence in Agricultural Education Noise and Vibration Assessment dated 22 June 2021 and prepared by Marshall Day Acoustics Pty Ltd.

### Fire Safety Certification

- D9. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety

Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- D10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Compliance with Food Code**

- D11. Prior to the commencement of operation, 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.

### **Post-Construction Dilapidation Report – Protection of Public Infrastructure**

- D12. Prior to the commencement of operation, 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 B5 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- D13. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

### **Road Damage**

- D14. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

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

- D15. Where a pre-construction survey has been undertaken in accordance with condition B7, 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 preconstruction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B7;

- (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.

D16. 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.

### **Road Works**

D17. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, the Applicant must complete the upgrading and construction of roads, footpaths and associated infrastructure as approved by conditions B31 to B34, to the satisfaction of the relevant roads authority or landowner.

D18. Prior to the commencement of operation, evidence of implementation of recommendations and mitigation measures identified in the Road Safety Audit, dated 15 October 2021 and prepared by AMWC must be submitted to the Certifier prior to any occupation.

### **Car Parking and Drop-off/Pick-up Arrangements**

D19. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier that demonstrates that:

- (a) construction works associated with the proposed 39 on-site car parking spaces have been completed and that the car parking facility is operational; and
- (b) constructions works associated with the drop-off/pick-up area accessed from Vines Drive have been completed and is fully operational.

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

D20. Prior to occupation, 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 of 20 bicycle parking spaces;
- (b) the layout, design and security of bicycle facilities must comply 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) appropriate pedestrian and cyclist advisory signs are to be provided.

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

### **School/Pedestrian Crossing Facilities**

D21. Prior to commencement of operation, school/pedestrian crossings must be installed on surrounding roads in accordance with the relevant design standards and warrants set down by TfNSW to the satisfaction of the relevant road authority.

### **School Zones**

D22. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Vines Drive, and Maintenance Lane must be installed, inspected by TfNSW and handed over to TfNSW.

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

D23. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **School Transport Plan**

D24. Prior to the commencement of operation, a School Transport Plan (STP), must be submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
- (b) include arrangements to promote the use of active and sustainable transport modes, including:
  - (i) objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation);
  - (ii) specific tools and actions to help achieve the objectives and mode share targets; and
  - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development;
- (c) include operational transport access management arrangements, including:
  - (i) 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;
  - (ii) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (iii) the location and operational management procedures of the drop-off/pick-up parking, including staff management/traffic controller arrangements;
  - (iv) the location and operational management procedures for the drop-off/pick-up of students by buses and coaches including staff management/traffic controller arrangements;
  - (v) delivery and services vehicle and bus access and management arrangements;
  - (vi) management of approved access arrangements;
  - (vii) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off/pick-up zones;
  - (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) 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 plan; and
- (e) a monitoring and review program that includes, but not limited to:
  - (i) mode share surveys (undertaken at a suitable time to reflect typical school operations) to determine the level of achievement of travel mode share targets;
  - (ii) review of the adequacy of school bus services to cater for school demand; and
  - (iii) identification of measures to be implemented where mode share targets are not met and/or where demand exceeds the capacity of bus services.

### **Utilities and Services**

D25. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

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

D26. Prior to the commencement of operation, a 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**

- D27. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D28. 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**

- D29. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
  - (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in Appendix W of the EIS.

### **Site Contamination**

- D30. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier. A copy of the Site Audit Statement and Environment Management Plan must be provided to Council for information.

### **Landscaping**

- D31. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).
- D32. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on site and submit it to the Certifier. The plan must:
  - (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures in the EIS and RtS.

### **Asset Protection Zones**

- D33. Prior to the commencement of operation, the Blocks A, B, C, D, E and F must be managed as an inner protection area (IPA) for a distance of 50m in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
  - (a) tree canopy cover should be less than 15% at maturity;
  - (b) trees at maturity should not touch or overhang the building;
  - (c) lower limbs should be removed up to a height of 2m above the ground;
  - (d) tree canopies should be separated by 2 to 5m;
  - (e) preference should be given to smooth barked and evergreen trees;
  - (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - (g) shrubs should not be located under trees;
  - (h) shrubs should not form more than 10% ground cover;

- (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
  - (j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - (k) leaves and vegetation debris should be removed.
- D34. Prior to the commencement of operation, the Blocks G and H must be managed as an inner protection area (IPA) for a distance of 10m in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
- (a) tree canopy cover should be less than 15% at maturity;
  - (b) trees at maturity should not touch or overhang the building;
  - (c) lower limbs should be removed up to a height of 2m above the ground;
  - (d) tree canopies should be separated by 2 to 5m;
  - (e) preference should be given to smooth barked and evergreen trees;
  - (f) large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - (g) shrubs should not be located under trees;
  - (h) shrubs should not form more than 10% ground cover;
  - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
  - (j) grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - (k) leaves and vegetation debris should be removed.

### **Evacuation and Emergency Planning**

- D35. Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

*Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.*

### **Operational Flood Emergency Management Plan**

- D36. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s) and in consultation with NSW State Emergency Service, Council and Western Sydney University;
  - (b) is consistent with the management and mitigation measures of the Flood Emergency Management Report, prepared by Woolacotts Consulting Engineers Plus and dated 5 November 2021;
  - (c) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (d) includes details of:
    - (i) the flood emergency responses for operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
  - (e) includes details of awareness training for employees and contractors, and visitors.

### **Interim Farm Management Plan**

- D37. Prior to the commencement of operation, an interim Farm Management Plan must be prepared in accordance with best practice guidelines for *Intensive Livestock Development* (DPE 2019)

and be submitted to the Certifier. The plan must be prepared by a suitably qualified professional and include:

- (a) proposed hours of operation;
- (b) details on the animals to be kept and type of housing for each species;
- (c) details on animal handling facilities and management measures;
- (d) details on likely methods of management of stock to maximize animal wellbeing and teaching efficacy;
- (e) water use details including volumes used and sources, water quality, likely frequency of use and irrigation methods;
- (f) details of areas designated for use for pastures, crop, horticulture, viticulture and orchard management;
- (g) proposed estimates of fertiliser use;
- (h) details of chemical use and management including methods to reduce potential for spray drift;
- (i) methods to reduce and minimise the risk of dust or odour pollution;
- (j) an evaluation of the risks associated with noise management;
- (k) distances to sensitive indicators along with assessment for risk of impact; and
- (l) outline of a process for handling complaints.

#### **Short-Term Accommodation Operational Management Plan**

D38. Prior to the commencement of operation, a Short-Term Accommodation Operational Management Plan must be submitted to and approved by the Planning Secretary. The plan must:

- (a) include all measures to be implemented on the premises in terms of safety and security, amenity and health including but not limited to, matters relating to curfews and after-hours access, bringing visitors on to the site, emergency evacuation and response and use of communal areas;
- (b) include all the responsibilities of the caretaker/manager;
- (c) detail that visitors would not be utilising the facilities for greater than seven consecutive days;
- (d) include an Incident Register to be maintained by the caretaker/manager containing (but not limited to) a direction that all incidents of a criminal nature are to be reported to the Police immediately;
- (e) confirmation that the Register would be produced upon demand by any Council officer, Western Sydney University security personnel or NSW Police Officer;
- (f) be dated and the name and include the signature of the author of the document; and

D39. Prior to commencement of use of the short-term accommodation, a notification letter must be forwarded to Council and Western Sydney University providing contact details for the caretaker/manager so that any issues regarding the operation of the premises can be addressed promptly. Evidence of this letter being forwarded as required in this condition must be provided to the satisfaction of the Certifier.

#### **Food Premises – Registration**

D40. Prior to the commencement of operation of the Block E canteen and kitchen space, evidence must be provided to the certifier that an *Application for Food Premises* form has been completed and lodged with Council. The evidence must include a confirmation of receipt in writing from a Council Environmental Health Officer.

*Note: The Application for food premises form can be downloaded from Council's website [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au).*



**Grease Trap**

- D41. Prior to the commencement of operation of the Block E canteen and kitchen space, evidence must be provided to the Certifier that a grease trap has been installed in accordance with the requirements of Sydney Water.
- D42. The grease trap must not be installed within any kitchen, food preparation or food storage area.

## PART E POST OCCUPATION

### Out of Hours Event Management Plan

- E1. 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) information regarding the maximum operating hours for the dining/conference hall (including the time required for preparation before and after any event) in accordance with condition E2;
  - (f) measures to minimise localised traffic and parking impacts including; and
  - (g) management measures regarding use of amplified music in relation to an event;
  - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E2. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E3. School and community use of the site outside of school hours must:
- (a) not occur before 8am or after 10pm;
  - (b) have agreement from Western Sydney University to cater for the shortfall of any site car parking, through the use of nearby university car parks;
  - (c) not include the use of amplified music unless inside a building with doors and windows closed.
- E4. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community 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) information regarding the maximum operating hours for the dining/conference hall (including the cars arriving or leaving the site and the time required for preparation before and after any event) in accordance with condition E2;
  - (f) management measures regarding use of amplified music in relation to an event;
  - (g) details of the weekend use of the school for short courses, in-service teacher training and/or conferences related to agricultural/STEM education;
  - (h) measures to minimise localised traffic and parking impacts; and
  - (i) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E5. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

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

- E6. 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**

- E7. 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**

- E8. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

### **Environmental Management Plan**

- E9. Upon completion of remediation works, the Applicant must manage the site in accordance with the Environmental Management Plan approved by the Site Auditor (if any) under condition D30 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

### **Operational Noise Limits**

- E10. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Centre of Excellence in Agricultural Education Noise and Vibration Assessment dated 22 June 2021 and prepared by Marshall Day Acoustics Pty Ltd.
- E11. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within 2 months of commencement use of each stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Centre of Excellence in Agricultural Education Noise and Vibration Assessment prepared by Marshall Day Acoustics Pty Ltd and dated 22 June 2021. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

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

- E12. 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.

### **School Transport Plan**

- E13. The School Transport Plan required by condition D24 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- E14. 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 B10, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- E15. Notwithstanding condition D6, 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**

- E16. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D32 for the duration of occupation of the development.
- E17. Within 12 months of the commencement of operation, noxious weeds on the site must be removed as required by the *Biosecurity Act 2015* and replaced with suitable indigenous plant species.

### **Asset Protection Zones**

- E18. The asset protection zones required by condition D33 shall be maintained for the duration of occupation of the development.

### **Farm Management Plan**

- E19. Within 12 months of the commencement of operation, the interim Farm Management Plan required by condition D37 must be reviewed, updated and finalised by a suitably qualified professional for maintained use for the duration of occupation of the development.

### **Short-Term Accommodation Operational Management Plan**

- E20. The Short-Term Accommodation Operational Management Plan required by condition D38 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.
- E21. The Short-Term Accommodation Operational Management Plan required by condition D38 must be displayed in prominent locations within the premises a copy of the plan must be provided to all occupants of the short-term accommodation.

## 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 Permit

AN8. Prior to the commencement of construction works, for occupation of any part of the footpath or road for carrying out work, storage of building materials and the like, an application for a Road Occupancy Permit must be submitted to the relevant authority.

### Road Occupancy Licence

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

AN10. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The Applicant must submit an application for an Oversize Vehicle Access Permit through NHVR's portal ([www.nhvr.gov.au/about-us/nhvr-portal](http://www.nhvr.gov.au/about-us/nhvr-portal)), prior to driving oversize vehicles through local roads within the Hawkesbury City local government area.

### SafeWork Requirements

AN11. 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

AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN13. 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**

AN14. 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**

AN15. 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 A26 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.