

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Karen Harragon
Director
Social Infrastructure Assessments

Sydney

9 October 2024

SCHEDULE 1

Application Number:	SSD-62028458
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning and Public Spaces
Site:	145 Buchan Road, Edmondson Park (Lot 2 DP 1287903)
Development:	New high school to accommodate up to 2000 students with staged construction and operation. Works include: bulk earthworks, tree removal, four new buildings ranging in height from one to five storeys, new sports courts and a new playing field. Associated works include four drop off/pick up areas, bicycle spaces, pedestrian crossings, service infrastructure upgrades and landscaping.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	NSW Department of Education or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity, Conservation and Science, in the Department of Climate Change, Energy, Environment and Water
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<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"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	Liverpool City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DCCEEW	Department of Climate Change, Energy, Environment and Water
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure

Development	The development described in the EIS and Response to Submissions, including the works and activities comprising specified in Schedule 1 and as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled Environmental Impact Statement, prepared by Gyde dated 19 March 2024, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage NSW, the Department of Planning and Environment
Incident	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>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements 2020 (or other updated version as available on the Department's website)
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in Appendix B of the Response to Request for Additional Information dated 15 August 2024.
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</p>
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent

NSW SES	New South Wales State Emergency Service
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Operational readiness work	Use of the completed areas of the development by school staff to prepare for the operation of the development
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Response to submissions	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
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; as revised by the Response to Submissions; and additional information; and
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by NBRS			
Dwg No.	Rev	Name of Plan	Date
EPHS-NBRS-DR-SSDA-A-0180	5	Site Boundary Adjustment Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0201	6	Site Plan	14/06/2024
EPHS-NBRS-DR-SSDA-A-0210	5	Overall Ground Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0211	5	Overall Level 1 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0212	5	Overall Level 2 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0213	5	Overall Level 3 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0214	5	Overall Level 4 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0215	5	Overall Roof Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-0220	3	Canopy-Plan, Section & Typical Details	25/01/2024
EPHS-NBRS-DR-SSDA-A-0230	5	Site Signage	25/01/2024
EPHS-NBRS-DR-SSDA-A-0301	4	Site Elevations	25/01/2024
EPHS-NBRS-DR-SSDA-A-0401	5	Site Sections	25/01/2024
EPHS-NBRS-DR-SSDA-A-1101	4	Building A – L0 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1102	4	Building A – L1 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1103	4	Building A – L2 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1104	5	Building A – Roof Plan	25/01/2024

EPHS-NBRS-DR-SSDA-A-1201	4	Building B – L0 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1202	4	Building B – L1 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1203	4	Building B – L2 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1204	4	Building B – Roof Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1301	4	Building C – L0 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1302	4	Building C – L1 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1303	4	Building C – L2 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1304	4	Building C – L3 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1305	4	Building C – L4 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1306	5	Building C – Roof Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1401	4	Building D – L0 Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-1402	4	Building D – Roof Plan	25/01/2024
EPHS-NBRS-DR-SSDA-A-3101	5	Building A – Elevations	25/01/2024
EPHS-NBRS-DR-SSDA-A-3201	5	Building B – Elevations	25/01/2024
EPHS-NBRS-DR-SSDA-A-3301	6	Building C – Elevations	01/07/2024
EPHS-NBRS-DR-SSDA-A-3401	5	Building D – Elevations	25/01/2024
EPHS-NBRS-DR-SSDA-A-4101	5	Building A – Sections	25/01/2024
EPHS-NBRS-DR-SSDA-A-4201	5	Building B – Sections	25/01/2024
EPHS-NBRS-DR-SSDA-A-4301	5	Building C – Sections	01/07/2024
EPHS-NBRS-DR-SSDA-A-4401	5	Building D – Sections	25/01/2024
EPHS-NBRS-DR-SSDA-A-5001	3	Building A – Typical Sections	25/01/2024
EPHS-NBRS-DR-SSDA-A-5002	3	Building A – Typical Sections 2	25/01/2024
EPHS-NBRS-DR-SSDA-A-5003	3	Building B – Typical Sections 1	25/01/2024
EPHS-NBRS-DR-SSDA-A-5004	3	Building B – Typical Sections 2	25/01/2024
EPHS-NBRS-DR-SSDA-A-5005	4	Building C – Typical Sections	25/01/2024

EPHS-NBRS-DR-SSDA-A-5006	3	Building D – Typical Sections	25/01/2024
Landscape Plans prepared by NBRS			
Dwg No.	Rev	Name of Plan	Date
EPHS-NBRS-DR-SSDA-L-1001	7	Landscape Site Plan	11/06/2024
EPHS-NBRS-DR-SSDA-L-2001	5	Finishes Plan 1 of 2	25/01/2024
EPHS-NBRS-DR-SSDA-L-2002	5	Finishes Plan 2 of 2	25/01/2024
EPHS-NBRS-DR-SSDA-L-2101	5	Finishes Plan 1 of 2	25/01/2024
EPHS-NBRS-DR-SSDA-L-2102	5	Levels Plan 2 of 2	25/01/2024
EPHS-NBRS-DR-SSDA-L-3000	5	Materials and Finishes Palette	25/01/2024
EPHS-NBRS-DR-SSDA-L-3002	6	Planting Zone Plan	25/01/2024
EPHS-NBRS-DR-SSDA-L-3003	6	Tree Masterplan	25/01/2024
EPHS-NBRS-DR-SSDA-L-5001	5	Sections 01	25/01/2024
EPHS-NBRS-DR-SSDA-L-5002	5	Sections 02	25/01/2024
EPHS-NBRS-DR-SSDA-L-6001	5	Overall Public Domain Landscape Plan	25/01/2024
EPHS-NBRS-DR-SSDA-L-6002	5	Public Domain Street Sections	25/01/2024
Staging Plan prepared by NBRS			
Dwg No.	Rev	Name of Plan	Date
EPHS-NBRS-DR-SSDA-A-0217	3	Stage Plans	25/01/2024

- A3. The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- the environmental performance of the approved development;
 - any document or correspondence in relation to the approved development;
 - any notification given to the Planning Secretary under the terms of this approval;
 - any audit of the construction or operation of the approved development;
 - the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - the carrying out of any additional monitoring or mitigation measures; and
 - in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A4. 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;

- (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
- (c) the implementation of any actions or measures contained in any such document referred to in (a) above.

A5. 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

A6. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

Planning Secretary as Moderator

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

Evidence of Consultation

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A10. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent and the details set out in the 'Staging Management Plan' dated 11 December 2023 and prepared by Johnstaff.
- A11. Construction staging of the proposed development may be varied in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.
- A12. Any revised Staging Report prepared in accordance with condition A11 must:
- (a) 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) specify how compliance with conditions will be achieved across and between each of the stages of the project;
 - (c) specify how compliance with independent auditing requirements 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 construction staging.
- A13. The project must be staged in accordance with the details approved under condition A10 unless a revised Staging Report has been approved under condition A11 in which case the project must be staged in accordance with the approved revised Staging Report.

- A14. The terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage set out in the details as approved under condition A10 or a revised Staging Report approved under condition A11, must be complied with at the relevant time for that stage including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

A15. The Applicant may:

- (a) prepare and submit any strategy, plan (including management 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) or program);
 - (b) combine any strategy, plan (including management plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan), or program required by this consent (to ensure the strategies, plans (including management 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).
- A16. Any strategy, plan or program prepared in accordance with condition A15, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A17. If the Planning Secretary agrees, a strategy, plan (including management 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.
- A18. Updated strategies, plans (including management plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Structural Adequacy

- A19. 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.
- A20. All new buildings and structures that interact with floodwaters in a 1% Annual Exceedance Probability and/or Probable Maximum Flood event, as identified in the Flood Impact and Risk Assessment, prepared by TTW and dated 20 May 2024 must be constructed from flood compatible building components that can withstand the flow velocities, flow depths and associated debris loads of a Probable Maximum Flood event.

Notes:

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

Design and Construction for Bushfire

- A21. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- A22. Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a building or in areas of BAL-29 or greater, they must be made of non-combustible material only.

External Walls and Cladding

- A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

- A24. 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 the documentation given to the Certifier is provided to the Planning Secretary within seven days after the Certifier accepts it.

Applicability of Guidelines

- A25. 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 or as otherwise provided in the relevant document or applicable legislation or regulation.
- A26. 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

- A27. 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

- A28. At least 48 hours before the commencement of construction until completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and

- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations of the final stage of any development.

Compliance

- A29. 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

- A30. 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.
- A31. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A32. Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance.
- A33. 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.
- A34. 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

- A35. Within three months of:
- (a) the submission of an incident report under condition A30;
 - (b) the submission of an Independent Audit under condition C36 or C38;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A36. 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.

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 of any relevant works within the relevant stage, the Applicant must submit to 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 construction of external building walls and cladding within the relevant stage, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- B5. Prior to the commencement of any construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary within 48 hours when requested.

Pre-Construction Survey – Adjoining and likely to be impacted Properties

- B6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential 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 residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary within 48 hours when requested.

Community Communication Strategy

- B9. No later than 48 hours prior to 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.
- (e) include any specific requirements around traffic, including construction worker parking, and noise and vibration.

Ecologically Sustainable Development

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 5 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

B11. Prior to commencement of lighting installation, evidence must be submitted to the Certifier that all outdoor lighting to be installed 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.

Environmental Management Plan Requirements

B12. 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).

Notes:

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

Construction Environmental Management Plan

B13. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary 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;

- (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) the biodiversity mitigation and management measures detailed in Section 8 of the Biodiversity Assessment, dated 12 February 2024, prepared by Eco Logical Australia and the Green and Golden Bell Frog Preclearance Assessment, dated 23 January 2024, prepared by Eco Logical Australia;
- (d) Construction Noise and Vibration Management Sub-Plan (see condition B14);
- (e) Construction Waste Management Sub-Plan (see condition B15);
- (f) Construction Soil and Water Management Sub-Plan (see condition B16);
- (g) Aboriginal Cultural Heritage Management Sub-Plan (see condition B17).

Construction Impacts

- B14. 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 and vibration expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise and vibration generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise and vibration generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition (d);
 - (f) include a complaints management system that would be implemented for the duration of the construction;
 - (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 B12; and
 - (h) Address the requirements of Section 9 of the Noise and Vibration Impact Assessment prepared by Acoustic Studio and dated 4 December 2023.
- B15. The Construction Waste Management Sub-Plan (CWMSMP) 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 for materials to remain;
 - (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.
- B16. The Construction Soil and Water Management Sub-Plan (CSWMSP) and 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* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';

- (d) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.
- (e) 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);
- (f) detail all off-site flows from the site; and
- (g) 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

B17. The Aboriginal Cultural Heritage Management Sub-Plan must be prepared in accordance with the recommendations and consultation undertaken in the Aboriginal Heritage Report, prepared by Kayandel Archaeological Services and dated 5 March 2024.

Construction Traffic and Pedestrian Management Plan

B18. Prior to the commencement of any construction, a Construction Traffic and Pedestrian Management Plan must be prepared in consultation with Council and TfNSW, to achieve the objective of ensuring safety and efficiency of the road network, and a copy provided to the Planning Secretary. The Construction Traffic and Pedestrian Management Plan must include, but not be limited to, the following:

- (a) 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) number of heavy vehicles, 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;
 - (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);
 - (vi) arrangements to ensure that heavy vehicle movements will not be scheduled to and from the site:
 - within 30 minutes before the commencement of the school day;
 - within 10 minutes after the commencement of the school day;
 - unless otherwise agreed under Condition C10
- (b) A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes.

Note:

- Provide a copy of the Construction Traffic and Pedestrian Management Plan to TfNSW via development.CTMP.CJP@transport.nsw.gov.au for endorsement.
- All vehicles are to enter and leave the site in a forward direction.
- All vehicles are to be wholly contained on site before being required to stop.

Construction Flood Emergency Management Plan

B19. Prior to the commencement of each construction stage, a Construction Flood Emergency Management Plan, must be prepared by a suitably qualified and experienced person(s) in

consultation with NSW State Emergency Services, submitted to the Certifier and a copy to the Planning Secretary for information, including but not limited to:

- (a) detail on triggers, including rainfall, weather warnings and media updates that require closure of the site;
- (b) detail on how site closure would be communicated to construction workers, before commencement of the work day;
- (c) details of drills, frequency and record management of the drills;
- (d) a map showing the flood-free pedestrian route from each construction site to a suitable location free of inundation;
- (e) details of any gauges or warning infrastructure that are to be provided to assist with flood management, including frequency of maintenance, and how these will be monitored;
- (f) identification of suitable locations for evacuation that are free of inundation; and
- (g) flood warning signs around the site to identify areas with Category H3 hazard and higher, in accordance with the Flood Hazard Flood Risk Management Guide FB03, NSW Department of Planning and Environment and which are within the overland flow path.

B20. The Construction Flood Emergency Management Plan in condition B19, must be implemented for the duration of that construction stage.

B21. A copy of the most up to date Construction Flood Emergency Management Plan in condition B19, must be made publicly available on the Applicant's website in accordance with condition A29.

Flood Management

B22. Prior to the commencement of construction of the relevant stage, the Applicant must provide evidence from a suitably qualified chartered professional engineer to the Certifier and Planning Secretary confirming that:

- (a) habitable floor levels of new buildings are no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard and that the development achieves the required flood planning levels and design ground floor levels outlined in the Flood Impact and Risk Assessment, dated 20 May 2024 and prepared by TTW;
- (b) any part of new buildings below the probable maximum flood (PMF) level are constructed from flood compatible building components;
- (c) any new buildings have been designed to ensure shelter in place of vulnerable persons is safe and in locations above the PMF level as outlined in the Flood Impact and Risk Assessment, dated 20 May 2024 and prepared by TTW;
- (d) any new building has been designed, so that the part of the building that will be used for egress after a flood event will be safe to be used for this purpose after the flood waters recede from the 1% AEP through to PMF flood events described in the Flood Impact and Risk Assessment, dated 20 May 2024 and prepared by TTW; and
- (e) all new buildings and structures will be constructed from flood compatible building components that can withstand the flow velocities, flow depths and associated debris loads of a Probable Maximum Flood event.

Construction Parking

B23. Prior to the commencement of the relevant stage, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities on and off-site or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be made publicly available on the Applicant's website in accordance with Condition A29.

Operational Noise – Design of Mechanical Plant and Equipment

B24. 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 Noise and Vibration Impact Assessment, prepared by Acoustic Studio and dated 4 December 2023 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 B24(a) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the Noise and Vibration Impact Assessment, prepared by Acoustic Studio and dated 4 December 2023.

Construction and Demolition Waste Management

- B25. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Operational Waste Storage

- B26. Prior to the commencement of construction of waste storage 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 designed to ensure the door/gate to the waste storage area is vermin proof;
 - (b) includes a water supply;
 - (c) is naturally ventilated or an air handling exhaust system must be in place;
 - (d) vehicles servicing the waste storage area can enter and exit the site in a forward direction; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Road Infrastructure

- B27. Prior to the commencement of construction of the proposed right turn restriction, the Applicant must obtain approval from the relevant roads authority to implement the right turn restrictions onto Buchan Avenue from Faulkner Way, Holliday Avenue and Hemmie Road as proposed in Transport and Accessibility Impact Assessment, dated 15 August 2024, prepared by TTW.
- B28. Prior to the commencement of construction of the proposed roundabout, the Applicant must obtain approval from the relevant roads authority to construct a roundabout at the intersection of Buchan Avenue and East Avenue as proposed in Transport and Accessibility Impact Assessment, dated 15 August 2024, prepared by TTW.
- B29. Prior to the commencement of construction of the extended bus zones along the northern and southern sides of Buchan Avenue, as proposed in Transport and Accessibility Impact Assessment, dated 15 August 2024, prepared by TTW, the Applicant must obtain approval of the detailed civil design plans and technical specifications for the proposed works from the relevant roads authority.

Pedestrian Infrastructure Works

- B30. Prior to the commencement of construction of new / upgraded pedestrian footpath and pedestrian crossing facilities proposed in the Transport and Accessibility Impact Assessment, dated 15 August 2024, prepared by TTW, the Applicant must obtain approval of the detailed civil design plans and technical specifications for the proposed works from the relevant roads authority. Unless otherwise agreed by the relevant roads authority, the pedestrian infrastructure works must include:
- (a) a new Shared Path, connecting to on-road cycle lanes, along both sides of Buchan Avenue of 2.3m - 4m wide (extending to the kerb) between the intersections of Buchan Avenue/Bezentin Ridge Road and Buchan Avenue/East Road. This includes:

- (i) a 4m Shared Path outside the bus zones (extending to the kerb), on both sides of the road.
- (ii) a 2.8m wide Shared Path (extending to the kerb in between landscaping pits) on the south side of Buchan Avenue outside the kiss & ride zone;
- (iii) a 2.3m Shared Path (extending to the kerb in between landscaping pits) on the north side of Buchan Avenue outside the kiss & ride zone;
- (b) widening of the footpath along the western side of East Road to 2.1m, extending the kerb between the landscaping pits;
- (c) widening of the footpath along the eastern side of East Road, by extending the existing 1.5m wide footpath to the kerb between landscaping pits;
- (d) new raised pedestrian crossings at:
 - (i) the western leg of the Buchan Avenue/East Road intersection;
 - (ii) the southern leg of the Buchan Avenue/East Road intersection.
 - (iii) Buchan Avenue between the proposed bus zone and kiss and ride zones; and
- (e) new defined kiss and ride on East Road

Notes:

- *New raised pedestrian crossings are subject to referral to the Liverpool Local Traffic Committee and approval by Council.*
- *The applicant must undertake a street lighting design for the proposed new pedestrian crossings to ensure it complies with the requirements of the Australian Standards. The applicant must obtain approvals directly from the relevant utility authorities and construct the lighting at no cost to Council.*
- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the approved works under condition B30 must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*
- *All existing and proposed footpath, TGSIs, kerb, gutter embellishment, dish drains, to Council specifications*
- *All pram ramps located within and around the perimeter of this site must provide connection to a corresponding pram ramp*
- *In accordance with Section 4.42 of the EP&A Act, an approval under Section 138 of the Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is consistent with the consent.*

Operational Access, Car Parking and Service Vehicle Arrangements

B31. 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 72 on-site car parking spaces for use from the commencement of operation of Stage 1 the development and designed in accordance with AS 2890.1:2004; and
- (b) the swept path of the largest service vehicle entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AS 2890.2.

Public Domain - Tree Planting

B32. Prior to commencement of relevant construction work, details of street tree spacing and species selection are to be provided to Council for approval, including the following:

- (a) the street tree spacing along Buchan Avenue to be at least 10m, coordinated with Landcom's delivery of Buchan Avenue, to ensure a consistent street tree spacing and species with the other side of the street except, where bus zones or other road infrastructure is proposed that does not enable a tree to be planted in that location;
- (b) reduce the spacing of the proposed street trees on East Road to follow the same spacing as the existing trees being removed, for consistency along this street except where bus zones or other road infrastructure is proposed that does not enable a tree to be planted in that location;
- (c) including but not limited to, street tree pit details and sections, soil volumes, drainage and passive irrigation (including construction detail drawings), demonstrating consistency with

Liverpool Council's Draft Tree Management Strategy and Tree Management Technical Guidelines; and

- (d) street tree placement, spacing, species and pot sizes.

Notes

- *In accordance with Section 4.42 of the EP&A Act, an approval under Section 138 of the Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is consistent with the consent.*

Project Arborist

- B33. Prior to the commencement of construction of each relevant stage, 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 Australian Qualification Framework 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.
- B34. Prior to the commencement of construction, the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Certifier.
- B35. Prior to the commencement of construction, the Applicant is to undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search must use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- B36. Prior to the commencement of construction, the Applicant is to provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor and provided to Sydney Trains.

Vegetation Management Plan

- B37. Prior to the start of building works, a Vegetation Management Plan (VMP) that can be legally and practically enforced for the life of the development must be produced for the management of the entire site outside of the proposed IPA specified in Condition C50. The VMP must be certified by an accredited bushfire consultant to ensure that landscaping is designed and managed to meet the performance criteria for landscaping of Table 6.8a of Planning for Bush Fire Protection 2019.

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) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
 - (e) by the relevant roads authority or utilities service provider in order to minimise disruption to the roadway or essential services, where the related works have been provided to the Planning Secretary and affected residents at least seven days prior to the works; or
 - (f) where a variation is approved in advance in writing by the Planning Secretary or their 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 and Pedestrian Management Plan and Construction Flood Emergency Management Plan.

Construction Traffic

- C9. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Note: The installation of a "Works Zone" on public roads requires an approval through the Council's Traffic Committee process.

Heavy Vehicle Access

- C10. The Applicant must provide the Certifier with evidence of Council approval for heavy vehicle access to the site during school drop-off and pick-up times at a minimum of 48 hours prior to each heavy vehicle access to the site during drop-off and pick-up times in accordance with requirements outlined under condition B18(b)(iv).

Hoarding Requirements

- C11. 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

- C12. 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

- C13. 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 Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks but excluding site personnel vehicles) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3 and C4.
- C15. 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

- C16. 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).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, submitted as part of the CEMP required by condition B14 of this consent.

Tree Protection

C19. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced in accordance with the relevant Council specifications;
- (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 prepared by Ecological Australia and dated 20 February 2024; 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

C20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C21. 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 Fill

C22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier and/or the Planning Secretary within seven days upon request.

Disposal of Seepage and Stormwater

C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

C24. 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

C25. 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 Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the Civil SSDA Report, dated 23 January 2024 and prepared by TTW;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed:
 - (i) in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
 - (ii) to optimise capacity and reduce the potential for blockage at stormwater inlets
- (e) ensure post-development stormwater discharge into the Council drainage system does not exceed the pre-development discharge unless detailed design plan and hydraulic calculations including the following are provided to Council for approval:
 - (i) details of the pre and post-discharge;
 - (ii) details of the anticipated storm water discharge - in l/s- for the 1 in 5, 10, 20, and 100 storm events; and
- (f) ensure that the stormwater leaving the site meets the pollution reduction targets as per Liverpool City Council's DCP requirements.

Aboriginal Cultural Heritage

C26. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Management Sub-Plan required by condition B17.

Unexpected Finds Protocol – Aboriginal Heritage

C27. 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;
- (e) the unexpected finds protocol is to be updated to reflect that any unexpected finds should be managed in accordance with the relevant conditions of AHIP 3849; and
- (f) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

C28. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage

C29. 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.

C30. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

C31. 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.

- C32. 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.
- C33. 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

- C34. 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.

Contamination

- C35. 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

- C36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C37. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C38. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements, upon giving at least 4 week's notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- C39. 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 C36 of this consent, or condition C38 where notice is given by the Planning Secretary;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agree by the Planning Secretary.
- C40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C41. 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

- C42. 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.
- C43. Operational readiness work must only be undertaken in accordance with the details submitted under condition C42 and the following requirements:
 - (a) no more than 20 staff are involved in operational readiness work;
 - (b) no more than 10 vehicles must access the school related to the operational readiness work;
 - (c) no students or parents are permitted; and
 - (d) the Applicant has implemented appropriate arrangements to ensure the safety of school staff.

Water and Utility Services

- C44. The provision of water, electricity and gas must comply with Table 6.8c of Planning for Bush Fire Protection 2019 and Table 4 of the November 2022 addendum to Planning for Bush Fire Protection 2019.

Obstruction of the Rail Corridor

- C45. The rail corridor (and its easements and access gates) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- C46. Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

Rail Corridor Fencing

- C47. Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Unexploded Ordinance Management Protocol

- C48. Prior to commencing works on-site, all construction personnel are to be advised that the site is a former military area and accordingly there is a very remote possibility that unexploded ordinance (UXO) may be unexpectedly encountered.
- C49. Prior to commencing works on-site the primary contractor is to induct all site personnel that there is a UXO Management Protocol in place as provided in Attachment 1 of the UXO Risk Assessment prepared by CSG Demining Consultants dated 3 December 2023 and to follow the procedure in the unlikely event an explosive ordinance, UXO and explosive ordinance waste is discovered at the site.

Inner Protection Area

- C50. At the commencement of works, the area south and east of 'BAL 19 ZONE EXTENT' line identified in site plan prepared by NBRS (dated: 25/01/2024, revision: 5, reference: 22475, drawing reference: EPHS-NBRS-DR-SSDA-A-0201) must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

- D1. At least 48 hours before commencement of any 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 48 hours 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 of each relevant stage, 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 to the Planning Secretary a copy of the documentation given to the Certifier within seven days after the Certifier accepts it.

Works as Executed Plans

- D4. Prior to the commencement of operation of each relevant stage, works-as-executed plans 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 of each relevant stage, 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 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 of each relevant stage, the Applicant must provide evidence to 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 and façade glazing

- D8. Prior to the commencement of operation of each relevant stage, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken in Condition B24 have been incorporated into the design of mechanical plant and equipment and façade glazing to ensure the development will not exceed the recommended project noise trigger levels identified in the Noise and Vibration Impact Assessment dated 4 December 2023 and prepared by Acoustic Studio.

Fire Safety Certification

- D9. Prior to commencement of occupation of each relevant stage, 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 Planning Secretary 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 Certifier.

Post-construction Dilapidation Report – Protection of Public Infrastructure

- D12. Prior to the commencement of operation of each relevant stage, 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(c) 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 within 48 hours 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 Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- 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 pre-construction 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 within 48 hours 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 Infrastructure

- D17. Prior to the commencement of any operation, the right turn restrictions specified in condition B27 must be implemented at Faulkner Way, Holliday Avenue and Hemmie Road, and evidence provided to the Certifier.
- D18. Prior to the commencement of any operation, the roundabout as required by condition B28 be constructed to the satisfaction of the relevant roads authority and evidence provided to the Certifier.
- D19. Prior to the commencement of any operation, the bus bay extension works required by condition B29 and presented in the Transport and Accessibility Impact, dated 15 August 2024, prepared by TTW, on the northern and southern sides of Buchan Avenue must be constructed and available for use.

Pedestrian Infrastructure Upgrades

- D20. Prior to the commencement of any operation, the Applicant must complete the pedestrian upgrade works in condition B30 to the satisfaction of the relevant roads authority and evidence must be provided to the Certifier.

Note:

- *The Applicant must obtain approval for the works under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section 138 of the Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

Car Parking Arrangements

- D21. Prior to the commencement of any operation, evidence must be submitted to the Certifier that demonstrates that construction works associated with the proposed Edmondson Park High School carpark, as proposed under condition B31, have been completed and that the car parking facility is operational.

Bicycle Parking and End-of-Trip Facilities

- D22. Prior to the commencement of any operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities as presented within the Transport and Accessibility Impact, dated 15 August 2024, prepared by TTW, must be submitted to the Certifier:
- (a) the provision of a minimum 100 bicycle parking spaces for students at Edmondson Park High School comprising a minimum of 40 spaces prior to the commencement of Stage 1 operations, and the remaining 60 spaces prior to commencement of Stage 2 operation. During Stage 1 operations, the bike spaces will be available for both students and staff;
 - (b) the provision of a minimum 26 bicycle parking spaces for staff at Edmondson Park High School prior to the commencement of Stage 2 operation;
 - (c) 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;
 - (d) the provision of end-of-trip facilities for staff, including 4 showers and changerooms prior to the commencement of Stage 2 operations; and

- (e) 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.

Pedestrian Crossing Facilities

- D23. Prior to the commencement of any operation, pedestrian crossings in condition B30 must be installed in accordance with the relevant design standards and warrants of the relevant road authority.

Drop Off-Pick Up Zones

- D24. Prior to the commencement of any operation, the four drop off-pick up zones as identified in the Transport and Accessibility Impact Assessment, dated 15 August 2024, prepared by TTW must be completed and operational.

School Zones

- D25. Prior to the commencement of any operation, all required School Zone signage, speed management signage and associated pavement markings along surrounding streets 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.

- D26. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

School Transport Plan

- D27. Prior to the commencement of any operation, a School Transport Plan (STP), must be submitted to the Planning Secretary for approval. The plan must:
- (a) be prepared by a suitably qualified transport/traffic professional 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 within the 'baseline' and 'target' scenarios as presented in the Transport and Accessibility Impact Assessment, dated 15 August July 2024, prepared by TTW;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets. This is to include the frequency of monitoring and the requirement for physical counts or an alternative data collection method that has been demonstrated to have achieved outcomes consistent with the results of physical counts to the satisfaction of the Planning Secretary.
 - (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 and pick-up parking, including staff management/traffic controller arrangements;
 - (iv) the location and operational management procedures for the drop-off and 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 and pick-up zones;
- (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) include drop-off and pick-up management sub-plan, including:
 - (i) detail of each drop-off and pick-up zone time of operation;
 - (ii) a pre-registration system to inform guardians of the capacity of each drop-off and pick-up zone and the designated drop-off and pick-up zone for the guardian's child;
 - (iii) staffing requirements to manage each drop-off and pick-up zone;
 - (iv) complaints register to record complaints received in relation to drop-off and pick-up traffic, including from Council and Liverpool Police Area Command; and
 - (v) communication arrangements to inform parents of the drop-off and pick-up management sub-plan;
- (e) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan;
- (f) include an annual monitoring and review program for the duration of operation that includes (but is not limited to) the following:
 - (i) a suitably qualified Travel Coordinator shall implement the objectives and strategies within the STP for three years where the school population is greater than 800 students;
 - (ii) the annual review/audit by the Travel Coordinator is to demonstrate that mode share targets are being achieved and complaints are, where possible, resolved and the pre-registration system of the drop-off and pick-up management sub-plan is adhered to by guardians and other carers.
 - (iii) the result of the annual review is to be provided to Council and TfNSW for information within two months of completing the annual review/audit, and a copy made available to the Planning Secretary upon request within two working days;
 - (iv) where the annual review/audit required by condition D27(f)(ii) above identifies that mode share targets are not being met and the pre-registration system of the drop-off and pick-up management sub-plan is not adhered to, the Applicant is to implement further measures in consultation with Council and TfNSW to meet the targets prior to the next annual review/audit cycle;
 - (v) evidence of this consultation in the form of a report must include a description of the proposed measures and a schedule for implementing the measures, and be submitted to the Planning Secretary with the annual review/audit report required under condition D27(f)(ii);
 - (vi) review of the adequacy of the on-site car park to cater for parking demands and determine on-street parking impacts of the proposal, including suitable travel or parking surveys, and consult with Council to alter on-street parking restrictions if required;
 - (vii) review of the adequacy of school bus services to cater for school demand and consult with TfNSW to increase bus services if required to meet demand; and
 - (viii) identification of measures to be implemented where demand exceeds the capacity of bus services
- (g) notwithstanding condition D27(f) above, the Planning Secretary may consider revisions to timing to commence, extend or conclude the audit/review program or elements of the audit/review program, notably in instances where the Applicant demonstrates:
 - (i) that mode share targets are being achieved on a consistent basis; or
 - (ii) mode share targets are not being consistently achieved; or
 - (iii) where mode share targets are not consistently being achieved, however, suitable evidence is provided detailing how impacts from the departure of mode share targets have been mitigated.

- D28. The methodology and review of the mode share splits in annual review/audit identified in condition D27 must be reviewed and confirmed by an independently qualified traffic/transport professional prior to commencement of operation.

Utilities and Services

- D29. Prior to commencement of operation of each relevant stage, 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

- D30. Prior to the commencement of any 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

- D31. Prior to the commencement of any operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D32. Prior to the commencement of any 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

- D33. Prior to the commencement of operation of each relevant stage, 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 as set out in Appendix B - Mitigation Measures, dated 8 August 2024.

Landscaping

- D34. Prior to the commencement of operation of each relevant stage, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition A2(d).
- D35. Prior to the commencement of operation of each relevant stage, 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 Management and Mitigation Measures as set out in Appendix B - Mitigation Measures, dated 15 August 2024.

Operational Flood Emergency Management Plan

- D36. Prior the commencement of any operation, an Operational Flood Emergency Management Plan must be prepared by a suitably qualified and experienced person(s) for the development and in consultation with NSW State Emergency Service noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7, to the satisfaction of the Planning Secretary. The Operational Flood Emergency Management Plan must include, but is not limited to the following:

- (a) incorporates and complies with all advice provided by NSW State Emergency Service at condition D36;
- (b) addresses the provisions of the Floodplain Risk Management Guidelines (BCS);
- (c) the flood emergency management protocols for the operational phase of the development;
- (d) a simplified description of flood behaviour, including potential flood levels and associated frequencies within the site and within the adjoining road system and other public land expected to be used by students and visitors;
- (e) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice noting that school closure is to be prioritised over shelter in place;
- (f) detail the communication strategy, including to staff, parents, students and the community, of site closure before commencement of the school day and during emergency events;
- (g) details of potential flood warning time and flood notification;
- (h) details of drills, frequency and record management of the drills;
- (i) details of shelter-in-place locations, capacity of buildings for shelter-in-place and flood free routes to each shelter-in-place location from main points of the site;
- (j) details (mapped) of flood-free pedestrian route from each building, structure and active areas of the site to any shelter-in-place location;
- (k) details of any gauges or warning infrastructure that are to be provided to assist with flood management, including frequency of maintenance, and how these will be monitored;
- (l) identifies clear roles and responsibilities for emergency flood management within the school;
- (m) flood warning signs around the site to identify areas with Category H3 hazard and higher, in accordance with the Flood Hazard Flood Risk Management Guide FB03, NSW Department of Planning and Environment and are within the overland flow path;
- (n) identifies any proposed Shelter-in-place locations that:
 - (i) are nominated by a Chartered Professional engineer;
 - (ii) are prepared in consultation with NSW State Emergency Services;
 - (iii) are no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard;
 - (iv) are above the Probable Maximum Flood;
 - (v) are able to withstand flood and debris forces of the Probable Maximum Flood; and
 - (vi) provide a minimum floor space of 3 sqm per person, including students and staff;
- (o) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed;
- (p) provide clear messaging and communication protocols to, including but not limited to staff, parents and students.
- (q) includes clear requirements that the Plan be regularly reviewed;
- (r) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members; and
- (s) details of how exits onto high hazard roads, such as Buchan Avenue, are clearly marked and closed during severe weather events when there is a risk of flooding.

D37. A copy of the most up to date Operational Flood Emergency Management Plan in condition D36, must be made publicly available on the Applicant's website in accordance with condition A29.

Structural Inspection Certificate

- D38. Prior to the commencement of operation of each relevant stage, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier, and submitted to the Planning Secretary for information, which certifies that:
- (a) the development is structurally adequate for the approved use of the building as a school building;
 - (b) any part of the buildings below the probable maximum flood (PMF) level have been constructed from flood compatible building components;
 - (c) buildings have been constructed to ensure the safe shelter-in-place of vulnerable persons up to the PMF events and after these flood events, until it is safe to leave the buildings, as required by condition B22; and
 - (d) buildings have been constructed so that the part of the building that will be used for egress by those sheltering in place during a PMF event will be safe to be used for this purpose after the flood waters recede from the PMF flood, as required by condition B22.
- D39. A copy of the Certificate(s) required by condition D38, 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.

PART E POST OCCUPATION

Out of Hours Event Management Plan (School Use)

- 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 the Planning Secretary for information. The plan must include the following:
- (a) the estimated number of attendees, estimated time and duration;
 - (b) estimated arrival and departure times and modes of transport;
 - (c) where relevant, an indicative schedule of all annual events;
 - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (e) details of the range and frequency of uses of the school facilities;
 - (f) details of the hours of the out of hours events use, as confirmed by the school;
 - (g) measures to minimise localised traffic and parking impacts; and
 - (h) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- 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.

Out of Hours Event Management Plan (Community Use)

- E3. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant or relevant external party 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 estimated number of attendees, estimated time and duration;
 - (b) arrival and departure times and modes of transport;
 - (c) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
 - (d) details of the use of the school facilities, where applicable, restricting use before 7am and after 10pm, as well as ensuring that attendees of events have left the school site before 10:30pm;
 - (e) measures to minimise localised traffic and parking impacts; and
 - (f) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan to ensure compliance with *Noise Policy for Industry* (2017).
- E4. The Out of Hours Event Management Plan (Community Use) is to be prepared by the Applicant for the duration of the identified community event or use.

Operation of Plant and Equipment

- E5. 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

- E6. 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

- E7. The Community Communication Strategy, as submitted to the Certifier, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- E8. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Noise and Vibration Impact Assessment dated 4 December 2023 and prepared by Acoustic Studio.
- E9. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* (2017) 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 two months of commencement 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 Noise and Vibration Impact Assessment dated 4 December 2023, and prepared by Acoustic Studio.
- E10. 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

- E11. 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

- E12. The School Transport Plan required by condition D27 of this consent must be reviewed and where required, updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- E13. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of the final stage of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 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

- E14. 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

- E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D35 for the duration of occupation of the development.

Signage

- E16. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.
- E17. The illumination of signage and LED screen/s must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.
- E18. The lighting to be used in connection with approved signage including the LED screen must comply with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.
- E19. The LED sign must not:
 - (a) dazzle or distract drivers due to colouring of the digital content;

- (b) be able to be mistaken for a traffic signal because the digital content has, for example, red, amber, or green circles, octagons, crosses or triangles;
- (c) be able to be mistaken as an instruction to drivers;
- (d) display advertising or messages which contain fully animated or video/movie style advertising or images;
- (e) display advertising material unrelated to the school;
- (f) be used for any live television, satellite, internet or similar broadcast;
- (g) emit sound; and
- (h) must have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occur.

Operational Flood Emergency Management Plan

E20. The Operational Flood Emergency Management Plan in condition D36, must be implemented for the lifetime of the development.

APPENDIX 1 ADVISORY NOTES

General

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

Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

Legal Notices

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

Access for People with Disabilities

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

Utilities and Services

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

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

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

Handling of Asbestos

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

Speed limit authorisation

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

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;

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

Fire Safety Certificate

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A28 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