

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 2020, 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.

Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Sydney

30 November 2020

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

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SCHEDULE 1

Application Number:	SSD-10389
Applicant:	Health Administration Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	Liverpool Hospital and Campbell Street (Lot 501 in DP 1165217, Lots 1 and 2 in DP 1236362 and Campbell Street)
Development:	<p>Liverpool Hospital Redevelopment, comprising:</p> <ul style="list-style-type: none">• construction and operation of the eight storey Integrated Services Building (including basement and plant levels).• refurbishment works to old and new clinical service buildings and Caroline Chisolm building.• skybridge over Campbell Street.• tree removal.• demolition, remediation, road, landscaping and utility works.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10389-Mod-1	1 July 2021	Team Leader, Social Infrastructure	Flood management requirements
SSD-10389-Mod-2	21 September 2022	Team Leader, Social Infrastructure	Minor Design Changes

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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	Health Administration Corporation or any other person carrying out any development to which this consent applies
Archaeological Salvage	Historical archaeological program outlined in an approved Archaeological Research Design and Excavation Methodology
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
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
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</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 EES Group or DPIE 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

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Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction, refurbishment and occupation of new and refurbished hospital buildings, 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
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Environmental Impact Statement Liverpool Hospital – Integrated Services Building and Refurbishment Works, Cnr Elizabeth Street and Goulburn Street, Liverpool, prepared by Ethos Urban dated 8 May 2020, 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 2000
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, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm 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 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
LTEMP	Long Term Environmental Management Plan
Management and mitigation measures	The management and mitigation measures set out in the Response to Submissions.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or

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- 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)

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
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.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to submissions	The Applicant's response to issues raised in submissions 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

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SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS and Response to Submissions **as amended by SSD-10389-Mod-1; SSD-10389-Mod-2** and
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by <i>fitzpatrick+partners</i>			
Dwg No.	Rev	Name of Plan	Date
A-SSDA-MW-04	9	BUILDING DEMOLITION PLAN	06/11/20
A-SSDA-MW-05	9	BASEMENT DEMOLITION PLAN	06/11/20
A-SSDA-MW-06	10	SITE PLAN	06/11/20 20/04/2022
A-SSDA-MW-07	9 10	BASEMENT	06/11/20 20/04/2022
A-SSDA-MW-08	9 10	GROUND PLAN	06/11/20 20/04/2022
A-SSDA-MW-09	9 10	LEVEL 1	06/11/20 20/04/2022
A-SSDA-MW-10	9 10	LEVEL 2	06/11/20 20/04/2022
A-SSDA-MW-11	9 10	LEVEL 3	06/11/20 20/04/2022
A-SSDA-MW-12	9	LEVEL 4	06/11/20
A-SSDA-MW-13	9	LEVEL 5	06/11/20
A-SSDA-MW-14	9	LEVEL 6 – PLANT	06/11/20
A-SSDA-MW-15	9	ROOF	06/11/20
A-SSDA-MW-16	9 10	SECTION THROUGH NORTH IPU TOWER	06/11/20 20/04/2022

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A-SSDA-MW-17	9 10	SECTION THROUGH EXISTING BUNKER	06/11/20 20/04/2022
A-SSDA-MW-18	9 10	SECTION THROUGH SOUTH IPU TOWER	06/11/20 20/04/2022
A-SSDA-MW-19	9 10	SECTION THROUGH MAIN ENTRY	06/11/20 20/04/2022
A-SSDA-MW-20	9 10	SECTION THROUGH ELIZABETH STREET	06/11/20 20/04/2022
A-SSDA-MW-21	9 10	SECTION THROUGH CAMPBELL STREET	06/11/20 20/04/2022
A-SSDA-MW-22	9 10	NORTH ELEVATION	06/11/20 20/04/2022
A-SSDA-MW-23	9 10	EAST ELEVATION 01	06/11/20 20/04/2022
A-SSDA-MW-24	9 10	EAST ELEVATION 02	06/11/20 20/04/2022
A-SSDA-MW-25	9 10	WEST ELEVATION 01	06/11/20 20/04/2022
A-SSDA-MW-26	9 10	WEST ELEVATION 02	06/11/20 20/04/2022
A-SSDA-MW-28	9 10	SOUTH ELEVATION	06/11/20 20/04/2022
A-SSDA-MW-29	9 10	SOUTH ELEVATION – NEW AMBULANCE STATION	06/11/20 20/04/2022
A-SSDA-MW-30	9 10	FAÇADE DETAIL SECTION IPU TOWER	06/11/20 20/04/2022
A-SSDA-MW-31	9 10	FAÇADE DETAIL SECTION PODIUM	06/11/20 20/04/2022
A-SSDA-MW-32	9 10	FAÇADE DETAIL SECTION BRICK	06/11/20 20/04/2022
A-SSDA-MW-33	9 10	SCHEDULE OF FINISHES: SOUTH WEST VIEW	06/11/20 20/04/2022

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A-SSDA-MW-34	9 10	SCHEDULE OF FINISHES: EAST VIEW	06/11/20 20/04/2022
A-SSDA-MW-55	01	SOUTH ELEVATION – NEW AMBULANCE STATION CONT	20/04/2022
Landscape drawings prepared by <i>Clouston associates</i>			
Dwg No.	Rev	Name of Plan	Date
S19-0011 DD2282	B	MAIN WORKS PUBLIC DOMAIN PLANS	06/11/20
L-SSDA-MW-02	7	TREE RETENTION AND REMOVALS	19.08.2020
L-SSDA-MW-04	8	GROUND PLAN	09.11.2020
L-SSDA-MW-05	8	GOULBURN STREET ENTRY AND CAROLINE CHISOLM COURTYARD	09.11.2020
L-SSDA-MW-06	8	FORBES ST ENTRY FORECOURT	09.11.2020
L-SSDA-MW-07	8	CAMPBELL ST SHARED WAY	09.11.2020
L-SSDA-MW-08	8	BUNKER COURTYARDS	09.11.2020
L-SSDA-MW-09	9	ROOF SITE PLAN	17.11.2020
L-SSDA-MW-10	8	ROOF PLAN	09.11.2020
L-SSDA-MW-11	8	NORTHERN & SOUTHERN BUNKER ROOFTOP – LEVEL 2	09.11.2020
L-SSDA-MW-12	8	NORTHERN & SOUTHERN ROOFTOP – LEVEL 3	17.11.2020
L-SSDA-MW-13	7	MATERNITY COURTYARD – LEVEL 2	19.08.2020
L-SSDA-MW-14	7	INDICATIVE MATERIALS PALETTE	19.08.2020
L-SSDA-MW-15	8	INDICATIVE PLANTING PALETTE	03.09.2020
L-SSDA-MW-16	8	PLANTING SCHEDULE SHEET 1 OF 3	03.09.2020
L-SSDA-MW-17	8	PLANTING SCHEDULE SHEET 2 OF 3	03.09.2020
L-SSDA-MW-18	8	PLANTING SCHEDULE SHEET 3 OF 3	03.09.2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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.

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- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.

Campbell Street Shared Zone

- A6. The Campbell Street shared zone is not approved, and the works associated with the shared zone do not form part of the development approved under this consent.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

- 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. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11. A Staging Report prepared in accordance with condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

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- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A14. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

- A16. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Site Contamination

- A20. Remediation approved as part of this development consent must be carried out in accordance with the *Remediation Action Plan* (RAP), dated 29 April 2020, prepared by JKEvironments, or any updated RAP, prepared by a Certified Contaminated Land Consultant.

Applicability of Guidelines

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

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Monitoring and Environmental Audits

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

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

Access to Information

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

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

Compliance

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

Incident Notification, Reporting and Response

A26. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A27. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A28. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A29. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not

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comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

- A30. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A31. Within three months of:

- (a) the submission of a compliance report under condition A36;
- (b) the submission of an incident report under condition A27;
- (c) the submission of an Independent Audit under condition C46;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A32. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Compliance Reporting

- A33. No later than 48 hours prior to the commencement of construction, a Compliance Monitoring and Reporting Schedule prepared in accordance with the Compliance Reporting Post Approval Requirements, as amended by condition A34, must be submitted to the Planning Secretary and the Certifier.
- A34. Table 1 of the Compliance Reporting Post Approval Requirements is amended so that the Compliance Monitoring and Reporting Schedule, minimum frequency of Compliance Reports required is:
- (a) a Pre-Construction Compliance Report must be submitted to the Planning Secretary prior to commencement of construction;
 - (b) a Pre-Operational Compliance Report must be submitted to the Planning Secretary prior to commencement of operation and/or use; and
 - (c) Operation Compliance Reports are required for the duration of operation and must be submitted to the Planning Secretary at intervals, no greater than 52 weeks from the commencement of operation or as otherwise by the Planning Secretary.
- A35. Compliance Reports of the development must be prepared in accordance with the Compliance Reporting Post Approval Requirements.
- A36. Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Schedule.
- A37. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A38. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operation Compliance Reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that consistent operational compliance has been achieved.

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PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier relevant 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 the facade, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Protection of Public Infrastructure

- B5. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Ecologically Sustainable Development

- B7. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
 - (a) registering for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
 - (b) seeking approval from the Planning Secretary for an alternative certification process.

Outdoor Lighting

- B8. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Demolition

- B9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

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Environmental Management Plan Requirements

- B10. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

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

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

Construction Environmental Management Plan

- B11. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B12);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition B13);
- (d) Construction Waste Management Sub-Plan (see condition B14);
- (e) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (f) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

- B12. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
- (d) detail heavy vehicle routes, access and parking arrangements.

- B13. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (d) include strategies that have been developed with the community for managing high noise generating works;

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- (e) describe the community consultation undertaken to develop the strategies in condition B13(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B13(d).
- B14. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B15. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- B16. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events.
- B17. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

Construction Parking

- B18. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site for heavy vehicles, except where separate works zone have been approved, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Construction Worker Transportation Strategy

- B19. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Flood Management

- ~~B20. Prior to the commencement of construction, the Certifier must be satisfied that all new floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.~~
- ~~B21. Prior to the commencement of construction, the Certifier must be satisfied that any new structures below the Probable Maximum Flood level are constructed from flood compatible building components.~~
- B20. Prior to the commencement of construction, a civil engineer must provide details and design certification to the Certifier that all new floor levels are protected against flooding up to the 1% Annual Exceedance Probability flood level plus 500 mm of freeboard.**

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- B21. Prior to the commencement of construction, a civil and structural engineer must provide details and design certification to the Certifier that confirms any new structures affected by flooding (excluding any new structures to be protected by flood mitigation works) up to the Probable Maximum Flood levels in Flooding and Stormwater SSDA Report prepared by Taylor Thomson Whitting, dated 13 March 2020, are constructed from flood compatible building components.

Operational Noise – Design of Mechanical Plant and Equipment

- B22. Prior to installation of mechanical plant and equipment, the Applicant must incorporate noise mitigation measures in the detailed design drawings. An acoustic assessment prepared by a suitably qualified and experienced professional must be submitted to the Certifier verifying that the noise mitigation measures that have been incorporated into the design would ensure that the development will not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residence	47	43	38	53

Archaeological Salvage – Historic Archaeology

- B23. Prior to the commencement of construction, a suitably qualified and experienced historical archaeologist, who meets Heritage Council of NSW's Criteria for assessing Excavation Directors, must be nominated to manage a historical archaeological program.
- B24. Prior to the commencement of construction, an Archaeological Research Design and Excavation Methodology must be prepared to the satisfaction of the Planning Secretary to guide the historical archaeological program. It must be prepared in accordance with Heritage Council of NSW guidelines and in consultation with Heritage NSW. The final approved Archaeological Research Design and Excavation Methodology must be provided to Council.

Roads Approval

- B25. Prior to the commencement of any construction works over Campbell Street, a Section 138 Approval must be provided to the Certifier.

Landscaping

- B26. Prior to the commencement of construction, the Applicant must prepare and submit to the Planning Secretary a revised Landscape Plan to manage the revegetation and landscaping works on-site. The plan must:
- provide for the planting of 150 trees;
 - detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - include species (trees, shrubs and groundcovers) indigenous to the local area;
 - include the planting of trees with a pot container of 75 litres or greater; and
 - include the provision of street tree planting. Species and spacing of trees to be determined in Consultation with Council.

Car Parking and Service Vehicle Layout

- B27. Prior to the commencement of relevant construction works, compliance with the following requirements must be submitted to the Certifier:
- all vehicles must enter and leave the site in a forward direction;
 - 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, must be in accordance with the latest version of AS 2890.2; and
 - the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

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Public Domain Works

- B28. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

FOR INFORMATION

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PART C DURING CONSTRUCTION

Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer and must satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice must be durable and weatherproof and must be displayed throughout the works period;
 - (d) the approved hours of work, the name of the 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; and
 - (e) the 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.

Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B9.

Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Construction activities may be undertaken outside of the hours in condition 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) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Construction activities may be undertaken outside of the hours in condition C4 for concrete finishing works (including the use of a helicopter float), unless directed otherwise by the Planning Secretary, with these activities restricted to the following times (over and above the hours approved in condition C4):
- (a) Friday: 6pm to 10pm.
 - (b) Saturday: 1pm to 10pm.

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- (c) Sunday: 8am to 10pm.
- C8. The work permitted under condition C7 must only be undertaken where managed by an Out-of-Hours Work Protocol, prepared in consultation with the EPA and Council, and approved by the Planning Secretary. The Protocol must be prepared to identify a schedule for work to be undertaken outside the hours permitted under condition C4 and how they would be managed. The Protocol must provide:
- (a) a description of the proposed out-of-hours works;
 - (b) predictions of LAeq (15 minute) noise levels at noise sensitive receivers from these works and activities, where noise levels are predicted to be greater than the construction noise management level (NML); and
 - (c) a monitoring plan to validate the noise predictions, based on monitoring at the boundary of representative sensitive receivers during noise generating activities that are representative of the out-of-hours works;
 - (d) identification of proposed mitigation and management measures;
 - (e) consideration of out-of-hours work against the relevant NML and vibration criteria;
 - (f) a process for consultation with the community at each affected location for identifying and implementing mitigation measures where the NML would be exceeded, including respite periods. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive receivers would be exposed to; and
 - (g) notification arrangements for affected receivers, the EPA and the Planning Secretary for out-of-hours works.
- C9. 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.

Archaeological Salvage – Historic Archaeology

- C10. The historical archaeological program is to be undertaken in accordance with the approved Archaeological Research Design and Excavation Methodology under condition B24.
- C11. A final archaeological excavation report must be prepared within 12 months of the completion of archaeological excavation. The report must include details of any significant artefacts recovered, where they were located and details of their ongoing conservation and protection in perpetuity. Copies of the final excavation report must be provided to the Planning Secretary, Heritage NSW and Liverpool Council's local studies unit.

Heritage Interpretation Strategy

- C12. A Heritage Interpretation Strategy (HIS) must be prepared within 12 months of the completion of archaeological excavation, in consultation with Heritage NSW, and submitted to the Planning Secretary and Council. The HIS must ensure that the final design (building and landscaping) incorporates the results of previous and current archaeological excavations undertaken at Liverpool Hospital. This must include key results from the final excavation reports (prepared by Higginbotham, 1995 and AHMS, 2009) including artefacts, and where these can be located. Where relevant this should include information on the display and housing of artefacts.

Implementation of Management Plans

- C13. 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

- C14. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping unless directed otherwise by traffic control.

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Hoarding Requirements

C15. The following hoarding requirements must be complied with:

- (a) where feasible graphics must be provided illustrating Liverpool's history developed in consultation with Council's Public Art Officer;
- (b) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (c) 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

C16. 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

- C17. 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.
- C18. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4 except where permitted by condition C7.
- C19. 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

- C20. 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).
- C21. 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 C20.
- C22. The limits in conditions C20 and C21 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B13 of this consent.

Tree Protection

C23. 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 along Campbell Street, Forbes Street, Goulburn Street and Elizabeth Street, unless approved for removal, must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

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- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment Tree Protection Specification*, prepared by treeIQ, dated 5 March 2020; 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.

Landscaping

- C24. Within 34 months of commencement of works, the landscaping works for the Caroline Chisolm courtyard must be completed to re-establish the canopy cover lost as soon as practicable.

Air Quality

- C25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C26. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- C27. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Imported Soil

- C28. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

- C29. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- C30. 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.

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Stormwater Management System

- C31. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Unexpected Finds Protocol – Aboriginal Heritage

- C32. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site must be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works may only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- C33. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

- C34. 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.
- C35. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C36. 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.
- C37. 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.
- C38. 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

- C39. 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.

Independent Environmental Audit

- C40. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C41. Within four weeks of the commencement of construction, an Independent Audit Schedule prepared in accordance with the Independent Audit Post Approval Requirements, as amended by condition C42, must be submitted to the Planning Secretary and the Certifier.

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- C42. Table 1 of the Independent Audit Post Approval Requirements, is amended so that the Independent Audit Schedule frequency required in the construction phase is:
- (a) an initial construction Independent Audit must be undertaken within 12 weeks of the notified commencement date of construction; and
 - (b) subsequent Independent Audits of construction must be undertaken at intervals, no greater than 26 weeks from the date of the initial construction Independent Audit.
- C43. The Planning Secretary may require Independent Audits to be undertaken at different times to those specified above, upon giving at least eight weeks notice to the Applicant of the date upon which the Independent Audit must be commenced.
- C44. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Schedule submitted to the Planning Secretary and the Certifier under condition C41 of this consent, as amended by condition C42; and
 - (b) the Independent Audit Post Approval Requirements (Department 2020, or as amended).
- C45. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
- (a) review and respond separately to each Independent Audit Report prepared under condition C44 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary.
- C46. 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.
- C47. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing operational Independent Audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that Independent Audits have demonstrated consistent operational compliance.

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PART D PRIOR TO COMMENCEMENT OF OPERATION

Notification of Occupation

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

External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-construction Dilapidation Report

- D4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must:
- a) ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) be forwarded to Council.

Protection of Public Infrastructure

- D5. Unless the Applicant and the applicable 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 development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

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

Protection of Property

- D6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- D7. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Works as Executed Plans

- D8. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

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Green Travel Plan

- D9. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the satisfaction of TfNSW to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
 - (b) set mode share targets that encourage the use of public and active transport and reduce the proportion of single-occupant car journeys to the site;
 - (c) identify robust actions and strategies to meet the mode share targets in the first two, five and 10 years post occupation;
 - (d) include a Transport Access Guide that provides information to employees, patients and visitors about the range of travel modes, access arrangements and supporting facilities that service the site, including bicycle parking and other end of trip facilities;
 - (e) identify relevant workplace policies such as flexible working arrangements that enable administrative staff to travel outside peak periods, or which reduce the need for work related travel;
 - (f) consider the appropriateness of any relevant parking policies to manage travel demand, including a measure to apply higher car parking charges during peak times to encourage off-peak use;
 - (g) details of carpooling operations and monitoring of parking priority;
 - (h) appoint a Travel Plan Coordinator to oversee the implementation of the GTP and Transport Access Guide;
 - (i) nominate a party responsible for the ongoing monitoring and review of the GTP, including the delivery of actions and associated mode share targets;
 - (j) include a breakdown of staff shift patterns including the number of staff commencing shifts at particular times; and the residential postcodes of where those staff are travelling from, if known; and
 - (k) include, if available, details of visiting hours and anticipated numbers of patients and visitors.

Local Traffic Management Plan

- D10. Prior to the commencement of operation, a local traffic management plan must be prepared in consultation with Council and the final submitted to Council outlining traffic management scheme, including signs and line marking relating to any new vehicle crossings and pick-up and drop-off zones.

Heritage Interpretation Strategy

- D11. Prior to the commencement of operation, the Applicant must complete the implementation of the HIS required by condition C12.

Operational Noise – Design of Mechanical Plant and Equipment

- D12. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that noise generated at the premises would not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residence	47	43	38	54

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Mechanical Ventilation

- D13. Prior to commencement of operation of a kitchen or any food storage / preparation area, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Car Parking Arrangements

- D14. Prior to the commencement of operation or other timeframe agreed in writing by the Planning Secretary, the carpark in SSD-10388 must be completed and operational.

Bicycle Parking and End-of-Trip Facilities

- D15. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- a) the provision of a minimum 50 staff and 25 visitor bicycle parking spaces;
 - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
 - c) the provision of end-of-trip facilities for staff;
 - d) the provision of appropriate pedestrian and cyclist advisory signs; and
 - e) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant roads authority.

Road Damage

- D16. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

Fire Safety Certification

- D17. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

- D18. 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 satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are 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

- D19. Prior to the commencement of operation, the Applicant must obtain a certificate from a suitably qualified tradesperson certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

Stormwater Quality Management Plan

- D20. Prior to the commencement of operation of the relevant stormwater system, an Operation and Maintenance Plan (OMP) must be submitted to the satisfaction of the Certifier. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;

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- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

D21. 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

- D22. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- D23. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D24. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D25. Prior to the commencement of operation, the Applicant must install eight signs (consisting of four secondary and four tertiary pedestrian signs as defined by the Liverpool City Centre Public Domain Master Plan) and related wayfinding infrastructure in the Liverpool CBD, identifying key pedestrian routes and destinations within the area. The proposed signs must be designed in accordance with any applicable wayfinding specifications and must be approved by Council's Manager City Design and Public Domain Manager prior to installation.

Site Contamination

- D26. The Applicant must submit a Validation Report for the development. The Validation Report must:
- (a) be prepared by a Certified Contaminated Land Consultant;
 - (b) be submitted to the Planning Secretary and the Certifier for information within one month after the completion of remediation works; and
 - (c) be prepared in accordance with the RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH, 2011).

Site Audit Statement

- D27. Prior to the commencement of operation, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided for the information of the Planning Secretary and the Certifier.

Long Term Environmental Management Plan

- D28. Where a Long Term Environmental Management Plan (LTEMP) is identified as required by the RAP, the plan must:
- (a) be prepared by a certified Contaminated Land Consultant;
 - (b) be accompanied by a Section B Site Audit Statement prepared by a NSW EPA accredited Site Auditor, that determines the appropriateness of the LTEMP and/or that the land can

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be made suitable for the intended use if the site is managed in accordance with the LTEMP;

- (c) be provided to the Planning Secretary within one month of the completion of remediation works, unless otherwise agreed by the Planning Secretary;
- (d) include, but not be limited to:
 - (i) a description of the nature and location of any contamination remaining on site;
 - (ii) provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell;
 - (iii) a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal;
 - (iv) a description of the procedures for monitoring the integrity of the containment cell;
 - (v) a surface and groundwater monitoring program;
 - (vi) mechanisms to report results to relevant agencies;
 - (vii) triggers that would indicate if further remediation is required; and
 - (viii) details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.

Landscaping

- D29. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage landscaping on-site. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- D30. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Public Art

- D31. A public art package for the hospital campus, including consideration of engraving or inlays for paving design, must be prepared in consultation with Council's Public Arts Officer or relevant representative. Prior to commencement of operation, relevant components of the public art package must be installed.
- D32. Prior to commencement of operations, any aviation obstacle lighting required at highest points and corners of the building for the helicopter landing surface on the hospital site, must be installed as per the recommendations of *Liverpool Health and Academic Precinct Main Works Submission Aviation Flight Path Report*, prepared by AviPro, dated 18 January 2020.

Flood Mitigation Measures

- D33. **Prior to the commencement of operation, an Operation Maintenance Manual (OMM) must be submitted to the satisfaction of the Planning Secretary. The OMM must ensure the proposed flood mitigation measures recommended in Flooding and Stormwater SSDA Report prepared by Taylor Thomson Whitting, dated 13 March 2020, remain effective and contain the following:**
 - (a) **(a) regular maintenance schedule for mechanically operated flood barriers, doors or gates;**
 - (b) **(b) record and reporting details; and**
 - (c) **(c) relevant contact information.**

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PART E POST OCCUPATION

Operation of Plant and Equipment

- E1. 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

- E2. 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.

Long Term Environmental Management Plan

- E3. Upon completion of remediation works, and where a LTEMP has been prepared, the Applicant must manage the site in accordance with the LTEMP approved under condition D28 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

Operational Noise Limits

- E4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in condition D12.
- E5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data are 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 commencing use of each stage of the development to verify that operational noise levels do not exceed the noise levels identified in condition D12. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- E6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- E7. The Green Travel Plan required by condition D9 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Stormwater Operation and Maintenance Plan

- E8. The OMP required by condition D20 of this consent must be implemented for the duration of occupation of the development.

Ecologically Sustainable Development

- E9. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B7, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

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Outdoor Lighting

- E10. Notwithstanding condition D22, 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

- E11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required by condition D29 for the duration of occupation of the development.

Operational Waste Management Plan

- E12. The *Liverpool Health Academic Precinct Operational Waste Management Plan*, prepared by Waste Audit and Consultancy Services (Aust) Pty Ltd, dated January 2020, for the development must be implemented for the duration of the development and updated annually. 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); and
 - (c) detail the materials to be reused or recycled, either on or off site.

Hazards and Risk

- E13. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- E14. In the event of an inconsistency between the requirements of condition E13(a) and E13(b), the most stringent requirement must prevail to the extent of the inconsistency.

Dangerous Goods

- E15. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Discharge Limits

- E16. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Flood Mitigation Measures

- E17. **The OMM required by condition D33 of this consent must be implemented for the duration of occupation of the development.**

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APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be provided to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A26 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

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APPENDIX 2 ADVISORY NOTES

General

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

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

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

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

Utilities and Services

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. 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

AN8. 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

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

SafeWork Requirements

AN10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

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