

# 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 09 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 and Infrastructure Assessments**

Sydney

10 July 2023

***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.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

Application Number:	SSD-10391
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Site:	18 Forbes Street, Liverpool Lot 1, DP 1137425
Development:	<p><b><u>Staged</u></b> construction and operation of the New Liverpool Primary School involving:</p> <ul style="list-style-type: none"><li>• two new buildings with homebases, special support units, multipurpose hall, library and amenities accommodating school students, staff and 40 preschool children;</li><li>• <b><u>internal driveway, parking, drop off and pick up (DOPU) zones</u></b></li><li>• <b><u>waste and service vehicle areas</u></b></li><li>• bicycle parking areas;</li><li>• landscaping, tree removal; <b><u>and</u></b></li><li>• associated <b><u>pedestrian crossing infrastructure</u></b>, civil works and signs.</li></ul>

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10391-Mod-1	4 November 2022	Director	Modification to permit the commencement of construction works unrelated to Burnside Drive and without the agreement of NSW Health
SSD-10391-Mod-2	10 July 2023	Director	<p>Modifications to:</p> <ul style="list-style-type: none"><li>a) Permit staged construction and operation</li><li>b) Pedestrian access, landscaping, infrastructure, fencing, staff parking, waste collection, bike parking and drop-off and pick-up.</li><li>c) Remove all vehicle access from Burnside Avenue and provide new access from Lachlan Street including new infrastructure works within Lachlan Street Road reserve</li><li>d) Update conditions to reflect the modifications approved and remove inconsistencies</li></ul>

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Department of Education or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>Archaeological Salvage</b>	A program of salvage excavation/s to recover information and/or objects from identified archaeological sites
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the carrying out of works for the purposes of the development, including bulk earthworks , and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"><li>• building and road dilapidation surveys;</li><li>• investigative drilling or investigative excavation;</li><li>• Archaeological Salvage;</li><li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li><li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li><li>• minor adjustments to services or utilities</li></ul>

## CONSOLIDATED CONSENT

However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016*) 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)

<b>Council</b>	Liverpool City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising construction of school buildings, landscaping and associated works, as modified by the conditions of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>E and H</b>	Environment and Heritage
<b>EIS</b>	The Environmental Impact Statement titled “ <i>Environmental Impact Statement</i> ”, prepared by Ethos Urban dated 22 June 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Development Certification and Fire Safety Regulation</b>	Environmental Planning and Assessment Regulation 2000 <i>[Note: in line with the savings and transitional provisions of Schedule 6 sections (2) &amp; (3) of the EP&amp;A Reg 2021, if the application was made but not determined prior to 1 March 2022, the 2000 Regulation applies]</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or 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

## CONSOLIDATED CONSENT

	Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance  <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>EMP</b>	Environmental Management Plan
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a. involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b. results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NVA</b>	<i>Noise and Vibration Assessment Report</i> dated 29 October 2021 prepared by AECOM Australia Pty Ltd
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Operational readiness work</b>	Use of the completed areas of the development by school staff to prepare for the operation of the development
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Preschool Phase A2</b>	<b>Operation of preschool within Building Y accommodating up to 40 children</b>
<b>Preschool Phase B2</b>	<b>Operation of preschool within Building Z accommodating up to 40 children</b>
<b>Phase A1</b>	<b>Construction of building and works, as set out in the Staging Plan – Phase A1 Revision B (SSD-10391-Mod-2) prepared by the</b>

## CONSOLIDATED CONSENT

	Department of Education and dated 19 June 2023.
<b>Phase A2</b>	The operation of a school using all areas and buildings to cater for approximately 540 students, 40 staff and 40 preschool children, as set out in the Staging Plan – Phase A2 Revision B (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023.
<b>Phase B1</b>	<p>Construction works as set out in the Staging Plan – Phase B1 Revision A (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023.</p> <p>Concurrent operation of the Phase A2 school as set out in the Staging Plan - Phase B1 Revision A (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023 to cater for approximately 540 students, 40 staff and 40 preschool children.</p>
<b>Phase B2</b>	<p>Construction works as set out in the Staging Plan – Phase B2 Revision A (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023.</p> <p>Concurrent operation of the Phase A2 school as set out in the Staging Plan - Phase B2 Revision A (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023 to cater for approximately 540 students, 40 staff and 40 preschool children, including the relocation of the preschool and special support unit from Building Y to operate within Building Z.</p>
<b>Phase C</b>	Operation of the school to cater for approximately 1240 students, 40 preschool children and 98 staff. Use of all buildings and facilities as set out in the Staging Plan – Phase C Revision B (SSD-10391-Mod-2) prepared by the Department of Education and dated 19 June 2023.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>RtS</b>	The Applicant’s response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, titled Response to Submissions and Additional Information prepared by Ethos Urban dated 12 November 2021
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area

## CONSOLIDATED CONSENT

<b>Site</b>	The land identified in the NLPS-AR-DRG-0201 issue P5 dated 17/12/2021 for the purpose of the proposed development, located on the eastern corner of Lot 1 within DP 1137425, 18 Forbes Street, Liverpool
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Stage</b>	<b>Any reference to the term 'Stage' or 'Staging' in any condition of consent has the same meaning as 'Phase' or 'Phases'</b>
<b>SRtS</b>	The Applicant's supplementary RtS for consent for the development under the EP&A Act, submitted on 23 December 2021, 18 February 2021, 30 March 2021 and 21 April 2022.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months



# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

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

#### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally, in accordance with the EIS, RtS and SRtS, **unless otherwise amended by the approved Modification SSD-10391-Mod-2**; and
  - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by Fitzpatrick and Partners and NBRS			
Dwg No.	Rev	Name of Plan	Date
NLPS-AR-DRG-ST1-0201	A	Overall Site Plan - Proposed	19/10/2022
NLPS-AR-DRG-ST1-0202	A	Site Plan – Southern Part	19/10/2022
NLPS-AR-DRG-ST1-1000	A	Overall Ground Floor Plan	19/10/2022
NLPS-AR-DRG-ST1-1010	A	Overall Level 1 Plan	19/10/2022
NLPS-AR-DRG-ST1-1020	A	Overall Level 2 Plan	19/10/2022
NLPS-AR-DRG-ST1-1030	A	Overall Roof Plan	19/10/2022
NLPS-AR-DRG-ST1-3000	A	Elevations Block X	19/10/2022
NLPS-AR-DRG-ST1-3001	A	Elevations Block X	19/10/2022
NLPS-AR-DRG-ST1-3002	A	Elevations Block Y	19/10/2022
NLPS-AR-DRG-ST1-3003	A	Elevations Block Y	19/10/2022
NLPS-AR-DRG-ST1-3004	A	Elevations Block Y	19/10/2022
NLPS-AR-DRG-ST1-4000	A	Sections Block X	19/10/2022
NLPS-AR-DRG-ST1-4002	A	Sections Block Y	19/10/2022
NLPS-AR-DRG-ST1-4003	A	Sections Block Y	19/10/2022
NLPS-AR-DRG-ST1-8400	A	Block X – External Finishes Schedule	19/10/2022
NLPS-AR-DRG-ST1-8401	A	Block Y & Z – External Finishes Schedule	19/10/2022
NLPS-AR-DRG-ST2-0201	<del>P5</del> A	Overall Site Plan- Proposed	<del>17/12/2021</del> 19/10/2022
NLPS-AR-DRG-ST2-0202	A	Site Plan - Southern Part	19/10/2022
<del>NLPS-AR-DRG-0203</del>	<del>P3</del>	<del>Site Plan – part 2</del>	<del>15/12/2021</del>
NLPS-AR-DRG- ST2-1000	<del>P9</del> A	Overall Ground Floor Plan	<del>15/12/2021</del> 19/10/2022
NLPS-AR-DRG- ST2-1010	<del>P8</del> A	Overall Level 1 Plan	<del>17/12/2021</del> 19/10/2022

## CONSOLIDATED CONSENT

NLPS-AR-DRG- <b>ST2</b> -1020	<b>P8</b> <b>A</b>	Overall Level 2 Plan	<b>17/12/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG-1030	P4	Overall Roof Plan	17/12/2021
NLPS-AR-DRG- <b>ST2</b> -3000	<b>P4</b> <b>A</b>	Elevations – Block X	<b>13/12/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG- <b>ST2</b> -3001	<b>P5</b> <b>A</b>	Elevations – Block X	<b>13/12/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG- <b>ST2</b> -3002	<b>P3</b> <b>A</b>	Elevations – Block Y	<b>30/11/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG-3003	P3	Elevations – Block Y	30/11/2021
NLPS-AR-DRG- <b>ST2</b> -3004	<b>P3</b> <b>A</b>	Elevations – Block Y	<b>30/11/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG-3005	P3	Elevations – Block Z	30/11/2021
NLPS-AR-DRG-3006	P3	Elevations – Block Z	30/11/2021
NLPS-AR-DRG- <b>ST2</b> -4000	<b>P3</b> <b>A</b>	Sections – Block X	<b>30/11/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG-4001	P4	Sections – Block Y	30/11/2021
NLPS-AR-DRG- <b>ST2</b> -4002	<b>P4</b> <b>A</b>	Sections – Block Y	<b>30/11/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG- <b>ST2</b> -4003	<b>P4</b> <b>A</b>	Sections – Block Y	<b>30/11/2021</b> <b>19/10/2022</b>
NLPS-AR-DRG-4004	P3	Sections – Block Z	30/11/2021
<del>NLPS-AR-DRG-8400</del>	<del>P4</del>	<del>Block X – External Finishes Schedule</del>	<del>15/12/2021</del>
NLPS-AR-DRG- <b>ST2</b> -8401	<b>P4</b> <b>A</b>	Block Y & Z – External Finishes Schedule	<b>15/12/2021</b> <b>19/10/2022</b>
<del>NLPS-AR-DRG-8403</del>	<del>P4</del>	<del>External Finishes Perspectives – Sheet 1</del>	<del>17/12/2021</del>
<del>NLPS-AR-DRG-8404</del>	<del>P4</del>	<del>External Finishes Perspectives – Sheet 1</del>	<del>17/12/2021</del>
<b>Landscape Drawings prepared by NBR</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
<b>NLPS-ST1-LA-DRG-3600</b>	<b>2</b>	<b>Site Plan</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3601</b>	<b>2</b>	<b>Legend</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3610</b>	<b>2</b>	<b>General Arrangement Plan</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3611</b>	<b>2</b>	<b>General Arrangement Plan</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3620</b>	<b>2</b>	<b>Unencumbered Play &amp; Tree Canopy</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3621</b>	<b>2</b>	<b>Fencing Plan</b>	<b>19/10/2022</b>
<b>NLPS-ST1-LA-DRG-3630</b>	<b>2</b>	<b>Public Domain Plan</b>	<b>19/10/2022</b>
<del>NLPS-LA-SSD-3600-DRG</del>	<del>A</del>	<del>Site Plan</del>	<del>16/12/2021</del>
<b>NLPS-ST2-LA-DRG-3600</b>	<b>2</b>		<b>19/10/2022</b>

## CONSOLIDATED CONSENT

<del>NLPS-LA-SSD-3601-DRG</del> <b>NLPS-ST2-LA-DRG-3601</b>	<del>A</del> <b>2</b>	Legend	<del>16/12/2021</del> <b>19/10/2022</b>
<del>NLPS-LA-SSD-3610-DRG</del> <b>NLPS-ST2-LA-DRG-3610</b>	<del>A</del> <b>2</b>	General Arrangement Plan	<del>16/12/2021</del> <b>19/10/2022</b>
<del>NLPS-LA-SSD-3611-DRG</del> <b>NLPS-ST2-LA-DRG-3611</b>	<del>A</del> <b>2</b>	General Arrangement Plan	<del>16/12/2021</del> <b>19/10/2022</b>
<del>NLPS-LA-SSD-3620-DRG</del> <b>NLPS-ST2-LA-DRG-3620</b>	<del>A</del> <b>2</b>	Unencumbered Play & Tree Canopy	<del>16/12/2021</del> <b>19/10/2022</b>
<del>NLPS-LA-SSD-3621-DRG</del> <b>NLPS-ST2-LA-DRG-3621</b>	<del>A</del> <b>2</b>	Fencing Plan	<del>16/12/2021</del> <b>19/10/2022</b>
<b>Staging Plan prepared by Department of Education</b>			
<b>1</b>	<b>-</b>	<b>Staging Plan</b>	<b>19/06/2023</b>

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

### Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This development consent permits up to 40 children in the preschool in association with the school, subject to the internal fit-out being approved by the Regulatory Authority and unencumbered play areas complying with the relevant guidelines.
- A7. Deleted
- A8. **This development consent does not include approval for permanent works on Burnside Drive or works with permanent vehicle access off Burnside Drive. No permanent works on Burnside Drive or works with permanent vehicle access off Burnside Drive are permitted on the site until evidence of satisfactory agreement with NSW Health (with regard to proposed works on Burnside Drive) are provided to the satisfaction of the Planning Secretary, in accordance with condition B5.**
- A9. The operation of the school or any associated uses, approved under this development consent, are not permitted on the site, until the updated Flood Emergency Management Plan is approved by the Planning Secretary, in accordance with condition D2 and D3.
- A10. Unless otherwise agreed with the Planning Secretary, any operational or physical mitigation measure required by condition A14 (if any) must be implemented within 12 months of finalising the traffic report (required by condition A14). Student numbers should be capped at the number enrolled at the point of acceptance of the traffic report by the Planning Secretary. Further

## CONSOLIDATED CONSENT

student increase within the school would only be permitted if these mitigation measures (if needed) are implemented.

### Post approval Traffic Assessment

- A11. The Applicant must undertake a new traffic assessment 10 years (or prior to the student numbers reaching 1200, whichever occurs earlier) of the date of commencement of first operation of the school. The assessment(s) must:
- (a) be prepared by a suitably qualified traffic consultant;
  - (b) identify the school and preschool peak traffic periods (AM and PM);
  - (c) include details of baseline conditions and modelling methodology;
  - (d) include traffic counts and surveys (for at least three consecutive standard school days unless otherwise agreed with the Planning Secretary);
  - (e) includes modelling of the Lachlan Street/Hart Street/Burnside Drive roundabout (using an appropriate traffic modelling tool such as SIDRA or equivalent) based on the baseline data and the development traffic;
  - (f) include appropriate calibration and validation of the model to enable a critical assessment of the traffic impacts at this intersection;
  - (g) demonstrate in the validation, that the model meets the requirements of TfNSW Traffic Modelling Guidelines;
  - (h) satisfactorily validate the model for the various school time periods of the day in accordance with the procedures set out in the TfNSW Traffic Modelling Guidelines; and
  - (i) include details of the level of service (LoS) of the above intersection, as a result of the modelling (both for the 5-year and 10-year horizons).
- A12. Should the identified LoS of the above intersection in the new traffic assessments (for the 5 years and 10 years horizon) be below the recommended LoS A for the Lachlan Street/Hart Street/Burnside Drive roundabout as specified in Table 6.11 of the *Transport and Accessibility Impact Assessment* prepared by GTA Consultants dated 11 June 2021 (or any other acceptable LoS, as agreed with the Planning Secretary), the Applicant must prepare a plan for a physical mitigation measure at this intersection, such as additional 10m long short approach lane on the northern approach at this roundabout (or another method prepared in consultation with Council and agreed with the Planning Secretary).]
- A13. The Applicant must undertake drop-off/pick-up monitoring:
- a) ~~one after the opening year~~ (between 12 - 24 months of commencement of operation of the school **Phase C** ~~or 2023, whichever is earlier~~); and
  - b) ~~one~~ at 5-years of the date of commencement of operation of the school **Phase C**.

~~The assessment(s) must:~~

- ~~i. include traffic counts at the drop-off/pick-zone during the AM and PM school peak periods;~~
- ~~ii. demonstrate that the proposed 25 car spaces within the drop-off/pick-zone on Burnside Drive is:~~
  - ~~a. adequate to cater for the school traffic;~~
  - ~~b. does not result in queuing across the roundabout at the southern end of Burnside Drive; and~~
  - ~~c. impede the movement of ambulances or other emergency vehicles accessing the Liverpool hospital site.~~

A13A. **The Monitoring Assessment report(s) must:**

- (a) include the outcome of monitoring required by Condition A13**

## CONSOLIDATED CONSENT

- (b) include traffic counts at the drop-off/pick-zone during the AM and PM school peak periods;
- (c) include monitoring and observations of any drop-off/pick-activities relating to the school or child care occurring within Burnside Drive and Lachlan Street during the AM and PM school peak periods;
- (d) include monitoring and observations of any queuing occurring within the internal driveway and Lachlan Street during the AM and PM school peak periods;
- (e) demonstrate that the approved 25 car spaces within the drop-off/pick-zone is:
  - I. adequate to cater for the school and preschool traffic;
  - II. does not result in queuing in either the internal road or Lachlan Street, and does not result in queuing across the roundabout at the southern end of Burnside Drive; and
  - III. does not impede the movement of ambulances or other emergency vehicles accessing the Liverpool hospital site;
- (f) be prepared in consultation with Council; and
- (g) be provided to the Planning Secretary for approval within a month of completion of the monitoring, unless otherwise agreed by the Secretary where delays have occurred due to consultation with Council.

A14. Should the drop-off/pick-up zone monitoring **assessment identify that the drop-off/pick up zone within the site does not achieve the outcomes envisaged in the EIS, as modified by SSD-10391-Mod-2 in relation to acceptable drop off/pick up arrangements with minimal queuing or shows that pick up and drop off is occurring in Burnside Drive or in Lachlan Street**, the Applicant must provide the Planning Secretary with a report prepared by a suitably qualified traffic consultant, outlining the necessary operational management or physical mitigation measures **proposed in this area** to ensure that the drop-off/pick-zone **within the site on Burnside Drive** operates satisfactorily, **the timing for these management or mitigation measures, and any follow up monitoring proposed.**

- A15. The Applicant must obtain all necessary approvals under section 138 of the *Roads Act 1993* from the relevant roads authority (including NSW Health where needed), or other necessary agreements as applicable from the adjoining landowners, and implement the physical mitigation measure (if required) as identified in:
- (a) condition A12 (if any), within one year of preparation of the traffic assessment reports (required by condition A11 and A12) which identifies the need for additional mitigation at the Lachlan Street/Hart Street/Burnside Drive roundabout.
  - (b) condition A14 (if any), within one year of preparation of the traffic assessment reports (required by condition A13 and A14) which identifies the need for additional mitigation at the drop-off/pick-up zones

### Prescribed Conditions

- A16. 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

- A17. 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

- A18. Where conditions of this consent require consultation with an identified party, the Applicant must:

## CONSOLIDATED CONSENT

- (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 the consultation;
  - (ii) at consultation, matters resolved and unresolved; and
  - (iii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging

- A19. ~~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 **detailed** 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. **A** Staging Report must be submitted to the Planning Secretary **within 60 days of the date of approval of Modification 2. 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).**
- A20. A Staging Report prepared in accordance with condition A19 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 **within each phase** 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 **within each phase** 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.
- A21. Where a Staging Report is ~~required~~ **prepared in accordance with condition A19**, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A22. 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

- A23. 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



## CONSOLIDATED CONSENT

on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- A24. Any strategy, plan or program prepared in accordance with condition A23, where previously approved by the:
- (a) Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary; **or**
  - (b) **Certifier under this consent, must be submitted to the satisfaction of the Certifier.**
- A25. 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.
- A26. 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

- A27. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

#### Notes:

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

### External Walls and Cladding

- A28. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### External Materials

- A29. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
  - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
  - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

### Applicability of Guidelines

- A30. 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.
- A31. 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

- A32. 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*

## CONSOLIDATED CONSENT

*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

- A33. 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;~~ **all strategies, plans and programs required under the conditions of this consent to either be submitted for information or submitted for approval, including any updated or amended versions of these strategies, plans and programs;**
    - (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 complaint 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 **Phase C** operations.

### Compliance

- A34. 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

- A35. 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.
- A36. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### Non-Compliance Notification

- A37. 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.
- A38. 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.



## CONSOLIDATED CONSENT

A39. 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

A40. Within three months of:

- (a) **Deleted**
- (b) the submission of an Independent Audit under condition C38 or C39;
- (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 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.

A41. 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.~~:

- (a) **the submission of the relevant Independent Audit;**
- (b) **any review undertaken at the direction of the Planning Secretary; and**
- (c) **any relevant modification.**

*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**

A42. **Deleted**

A43. **Deleted**

A44. **Deleted**

A45. **Deleted**

### **Sydney Trains corridors and road corridors**

A46. No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The construction works cannot be commenced until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A47. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) from entering the railway corridor, **Lachlan Street or Burnside Drive**. Any form of pollution that arises as a consequence of the development activities must remain the full responsibility of the Applicant.

A48. The Applicant/Developer must not, at any stage block rail related use (including easements and corridor access gates) of Burnside Drive, to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

A49. The applicant must consult with Sydney Trains to ensure suitable and consistent access is made available through any areas deemed necessary to which the easement applies.

A50. The Applicant/Developer must give Sydney Trains written notice at least 5 business days before any necessary closure or partial closure relating to the area associated with any rail related easements to ensure accessibility to the easement can be managed and maintained where necessary.

## CONSOLIDATED CONSENT

- A51. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- A52. Where a condition of consent requires consultation with Sydney Trains, the Applicant must forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team.
- Note: In this instance the relevant interface team is West Interface and they can be contacted via email on West\_Interface@transport.nsw.gov.au.*
- A53. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the commencement of works and/or comments of operation (as relevant).

### MODIFICATION

- A54. **Within 60 days of the approval of SSD-10391-Mod-2, a detailed set of plans and a schedule of works must be submitted to the Planning Secretary for information identifying the extent of construction works that had been undertaken up to the date of determination of Mod 2.**

# CONSOLIDATED CONSENT

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### NOTIFICATION OF COMMENCEMENT

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

### Certified Drawings

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

### External Walls and Cladding

- B4. Prior to the commencement of construction, 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.

### Consultation outcome – NSW Health

- B5. Prior to the commencement of any construction ~~access off~~ **or construction within of permanent works on Burnside Drive or works with permanent vehicle access off** Burnside Drive ~~(including Aboriginal archaeological salvage and soil contamination related works)~~, the Applicant must provide written evidence to the Planning Secretary demonstrating that:
- (a) ~~the~~ consultation with the NSW Health has been undertaken with regards to the proposed **access off or proposed** works on Burnside Drive ~~(under Part 5 of the EP&A Act)~~; and
  - (b) a satisfactory agreement has been reached between the Applicant and NSW Health in relation to the future undertaking of and the maintenance of ~~the proposed works within~~ Burnside Drive **relevant to that construction work**, being that area currently under the ownership and care of NSW Health.

### Amended plans and reports

- B6. Prior to the commencement of construction, the Applicant must provide the following to the satisfaction of the Planning Secretary:
- (a) ~~deleted~~
  - (b) ~~deleted~~
  - (c) an amended version of the submitted “*Connection to Country Project Engagement Strategy*” report, dated January 2022, to reflect the outcomes of the meeting with the local/Registered Aboriginal Parties;
  - (d) ~~deleted~~
  - (e) confirmation from a suitably qualified consultant (in the form of a certificate or a signed letter) that the performance of the glazing proposed on the western façade of the school building complies with the advice provided on 17 December 2021 by Steensen Varming;
  - (f) amended plans including the shading elements specified in drawing number NLPS-AR-DRG-5402 issue P1 dated 30 November 2021 prepared by NBR Architecture;
  - (g) details plans (to be submitted prior to construction of the multipurpose hall) incorporating the noise mitigation recommendations in section 5.3.1 of the *Noise and Vibration Assessment Report* dated 29 October 2021 prepared by AECOM Australia Pty Ltd (NVA);
  - (h) details plans (to be submitted prior to the construction of any building) incorporating the acoustic performance recommendations in section 5.6 of the NVA **and as updated by**

## CONSOLIDATED CONSENT

the Addendum Noise Impact Assessment prepared by Acoustic Logic dated 06 April 2023 to ensure resultant noise levels of 40 dB(A) or less within the proposed primary school and 39 dB(A) within the proposed preschool; and

- (i) details plans demonstrating that the roof construction would meet a minimum acoustic performance as specified in the NVA, to achieve the aircraft noise intrusion criteria

**B6A Prior to the commencement of any Phase A1 construction works in relation to:**

- (a) the updated Phase A1 parking and driveway area; or
- (b) the delivery of any updated stormwater management system

any relevant plan, strategy or documents will need to be updated to be consistent with the approved Modification 2. Where revisions are required to any relevant plan, strategy or documents, these, revisions must be submitted to the Planning Secretary and / or Certifier for approval and / or information as required by the relevant plan, strategy or document condition.

**B6B. Prior to the commencement of the internal fit-out of the preschool Phase A2, suitable evidence must be submitted to the Certifier demonstrating the following:**

- (a) the internal fit-out of the preschool complies with all relevant requirements of the National Regulation;
- (b) 130sqm of unencumbered indoor play area has been provided within the preschool;
- (c) 280sqm of unencumbered outdoor play area will be provided for immediately outside the Phase A2 preschool, including a covered outdoor play area providing transition between the indoor and outdoor play areas

**B6C. Prior to the commencement of construction of the Preschool Phase B2, suitable evidence must be submitted to the Certifier demonstrating the following:**

- (a) the internal fit-out of the preschool complies with all relevant requirements of the National Regulation;
- (b) 130sqm of unencumbered indoor play area has been provided within the preschool;
- (c) 280sqm of unencumbered outdoor play area will be provided for immediately outside the preschool, including a covered outdoor play area providing transition between the indoor and outdoor play areas

**B6D. Prior to commencement of construction of Preschool Phase B2, the Applicant must provide the following to the satisfaction of the Planning Secretary:**

- (a) an amended version of the drawing NLPS-AR-DRG-ST2-1000 prepared by NBRS, showing that the reception of the preschool within Building Z has been relocated so as to only be accessible to staff, parents/carers and children from within the school site, with no access available from Burnside Drive; and
- (b) amended plans demonstrating the preschool in Building Z main pedestrian access will be via an internal footpath connection to the internal on-site drop-off/pick-up.

### Flood mitigation

- B7. Prior to the commencement of construction, the Applicant must provide a signed certification from a suitably qualified consultant, to satisfaction of the Certifier, identifying

## CONSOLIDATED CONSENT

that all structural components of the buildings, located below the Probable Maximum Flood (PMF) level are constructed of flood resistant materials, in accordance with the relevant Australian Standards.

### Sydney Trains

- B8. Prior to commencement of any construction (excluding excavation, Aboriginal salvage and or soil contamination related works), the Applicant must engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must:
- (a) incorporate in the construction plans, all the measures recommended in the report to control that risk; and
  - (b) submit a copy of the report to the Certifier for approval.
- B9. The certifier must ensure that the recommendations of the electrolysis report (required by condition B8) are incorporated in the construction drawings and documentation prior to commencement of any construction.
- B10. Prior to commencement of any construction, the Applicant must provide an accurate survey (undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative) locating the site and the development with respect to the benefitting easement over Burnside Drive, the rail boundary and rail infrastructure.
- B11. Prior to the design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor, the Applicant must ensure, that such lights , signs or reflective materials limit glare, reflectivity and illumination to the satisfaction of Sydney trains. The installation and use of lights, signs and reflective materials must not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied and the confirmation is submitted to the Certifier for information.
- B12. Prior to commencement of construction, the Applicant must prepare a plan demonstrating that all craneage and other aerial operations for the development comply with all Sydney Trains requirements. The plan must be submitted to and be endorsed by Sydney Trains, prior to the commencement of any construction.
- The plan must be amended as required by Sydney Trains and a copy of the final endorsed plan must be submitted to the Certifier for information, prior to the commencement of any construction.
- B13. Prior to the commencement of any construction, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works must be submitted to and be endorsed by Sydney Trains. The endorsed plan must be provided to the Certifier for information prior to the commencement of any construction.
- B14. Prior to the commencement of any construction, the Applicant must consult with Sydney Trains to obtain advice whether a final version of the submitted report 'Electromagnetic Fields (EMF) Survey Assessment of New Liverpool Public School' is required for the development.
- B15. If required by Sydney Trains (per condition B14), the Applicant must engage an EMF expert to prepare a final version of the EMF Report. The EMF Report must be endorsed by Sydney Trains, and a copy of the endorsed EMF Impact Report be submitted to the Certifier.

### Street Lighting

- B16. Prior to the installation of street lighting on **applicable roads Lachlan Street or any portion of Burnside Drive** (owned **and or** managed by Council), the Applicant must consult with an Endeavour Energy accredited ASP Level 3 service provider and submit a Public Lighting Design Brief to Council's Traffic and Transport Section, to specify design requirements to upgrade the street lighting system along the frontage of the development site.

## CONSOLIDATED CONSENT

- B17. The Public Lighting Design Brief must include details of undergrounding of existing aerial power lines and communication cables and replacement of existing street light poles with multifunction poles, with all necessary accessories.

*Note: The specification and accessories details should be obtained from Council's Infrastructure and Environment Directorate.*

- B18. The accredited ASP Level 3 service provider must prepare electrical design for the street lights, which must be approved by design to Council's Traffic and Transport Section and Endeavour Energy for prior to installation.
- B19. The street lighting plans must demonstrate that the street lighting complies with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

- B20. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

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

- B21. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of adjoining buildings (where relevant) that are likely to be impacted by the development.
- B22. Where the offer for a pre-construction survey is accepted (as required by condition B20), 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.
- B23. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B20, the Applicant must:
- (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Community Communication Strategy**

- B24. No later than 48 hours before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;



## CONSOLIDATED CONSENT

- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
  - (i) through which the community can discuss or provide feedback to the Applicant;
  - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, heritage.

### Ecologically Sustainable Development (ESD)

- B25. 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

- B26. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of 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

- B27. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020).

#### Note:

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

### Construction Environmental Management Plan

- B28. Prior to the commencement of construction **of any Stage**, 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 B24;
- (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;

## CONSOLIDATED CONSENT

- (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (d) include recommendations of the ~~Aviation Impact Assessment Report prepared by Avipro dated 13 June 2021~~ **Addendum Aviation Impact Assessment Report prepared by Avipro dated 20 October 2022** in relation to mobile cranes and impacts on Liverpool hospital HLS;
- (e) any recommendations from the Registered Aboriginal Parties as an outcome of the consultation required by condition B39;
- (f) Construction Traffic and Pedestrian Management Sub-Plan (see condition B29);
- (g) Construction Noise and Vibration Management Sub-Plan (see condition B30);
- (h) Construction Waste Management Sub-Plan (see condition B31);
- (i) Construction Soil and Water Management Sub-Plan (see condition B32); and
- (j) Construction Flood Emergency Response (see condition B33); **and**
- (k) **prior to construction of Phase B1 and B2, outline measures to prioritise scheduling of construction works and heavy vehicle movements outside school operational hours or during school holidays (consistent with the provisions of Condition C3 to C7), where achievable to minimise impact to any concurrent primary school or preschool operation.**

B29. 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) **demonstrate:**
  - (i) **no use or reliance of Burnside Drive in relation to any construction access, unless an agreement has been entered into with NSW Health prior construction in accordance with Conditions B5; and**
  - (ii) **demonstrate heavy vehicle movements are appropriately managed to minimise impact and provide an appropriate level of safety and amenity to any parallel primary school and/or preschool operation as required under B28(k);**
- (d) detail:
  - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
  - (iii) heavy vehicle routes, access and parking arrangements;
  - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
  - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s);
- (e) include details **of** pedestrian connection between Elizabeth Street and **Burnside Drive the site**, while minimising interference with hospital pedestrian traffic;
- (f) include details of traffic controls plans, where necessary;
- (g) include details to ensure how the proposed overflow car park at the corner of Elizabeth Street and Bigge Street would be managed for exclusive use by construction workers;



## CONSOLIDATED CONSENT

- (h) include details of the managing the cumulative impacts of construction traffic for hospital redevelopment works and the school; **and**
- (i) include details of necessary work zones and the necessary approvals from the relevant roads authority.; **and**
- ~~(j) where temporary construction access is proposed via Burnside Drive, prior agreement with relevant parties including NSW Health is required~~

B30. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be consistent with the recommendations in the NVA **prepared by AECOM dated 10 June 2022, and as amended by the Addendum Noise Impact Assessment prepared by Acoustic Logic dated 06 April 2023;**
- (c) **demonstrate construction noise and vibration are appropriately managed to minimise impact to any parallel primary school and /or preschool operation as required under B28(k);**
- (d) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (f) include strategies that have been developed with the community for managing high noise generating works;
- (g) describe the community consultation undertaken to develop the strategies in condition B30(e);
- (h) include a complaints management system that would be implemented for the duration of the construction; and
- (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures.

B31. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the procedures for the management of waste including the following:

- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use 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.

B32. The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert, in consultation with Council;
- (b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site);
- (e) detail all off-site flows from the site; and

## CONSOLIDATED CONSENT

- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.
- B33. The Construction Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency responses for both construction phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and users/visitors.
- B34. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### Construction Parking

- B35. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.
- B36. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to 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 provided to the Planning Secretary for information.

### Work Zone

- B37. If a work zone is required for certain works on Council owned land, an application must be made to Council's Traffic and Transport Section, prior to the commencement of those works and all necessary fees paid.

### Operational Noise – Design of mechanical plants

- B38. **Within 60 days of the date of Modification 2 approval, Prior to installation of mechanical plant and equipment,** the Applicant must submit evidence to the Certifier that the acoustic treatments referred to in section 5.1.2 of the NVA **and the Addendum Noise Impact Assessment prepared by Acoustic Logic dated 06 April 2023** have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels (PNTLs) identified in the NVA.

### Aboriginal Heritage

- B39. Prior to the commencement of construction, the Applicant must consult with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity.
- B40. Prior to the commencement of any construction, an induction must be provided to all construction staff, employees, contractors and sub-contractors in respect of Aboriginal heritage protection and their responsibilities under the *National Park Act 1974* by a suitably

## CONSOLIDATED CONSENT

qualified archaeologist. A written induction must also be provided and included in all environmental and safety documentation for future reference.

- B41. Prior to the commencement of construction works involving ground disturbance, Aboriginal archaeological salvage excavations must be undertaken in consultation with the Registered Aboriginal Parties and in accordance with the recommendations of the *Archaeological Testing Report* prepared by Comber Consultants dated 8 November 2021.

### Archaeological Salvage – Historic Archaeology

- B42. Prior to the commencement of construction, historical archaeological excavation must be undertaken by a suitably qualified and experienced professional. The salvage excavation must be undertaken in accordance with the requirements of the Heritage NSW and evidence of completion of all works and the post-excavation report must be submitted to the Certifier, prior to commencement of any construction.

### Landscaping

- B43. **Within 60 days of the date of Modification 2 approval, Prior to the commencement of any landscaping works,** the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must incorporate:
- (a) location of all buildings, storage areas, footpaths unencumbered play areas and roads, consistent with the "Site Plan" **(NLPS-ST1-LA-DRG-3600)** approved **under** condition A2 **as amended by this consent;**
  - (b) all the recommendations/outcomes of the amended "Connection to Country project Engagement Strategy" (if any), required by condition B6(c);
  - (c) the connection with country opportunities identified in Drawing number SK-07 issue A, prepared by NBR Architecture dated 25 January 2022; and
  - (d) replacement of Chinese Tallow Tree with alternate native species;
  - (e) additional canopy trees along the western boundary of the playground;
  - (f) columnar trees along the north-western boundary of the site (between the building and the site boundary);
  - (g) a suitably wide and paved pathway is provided between the external footpath, bike parking area to the south and the central courtyard of the school to facilitate walking by the cyclists;
  - (h) the location, species, maturity and height at maturity of plants to be planted on-site;
  - (i) species (trees, shrubs and groundcovers) indigenous to the local area;
  - (j) street tree planting with species and spacing of trees, determined in consultation with Council; and
  - (k) **deleted**
  - (l) **design landscape measures between the crossover and kerb ramp on the eastern side of the roundabout that prohibits or discourages pedestrian access whilst not impeding vehicle sightlines or pedestrian safety.**

### Pedestrian facilities / Road Upgrade / Intersection Works

- B44. Prior to the commencement of construction of the pedestrian facilities, vehicular crossings, road openings, and public domain works (including footpaths on Lachlan Street) as recommended by *Transport and Accessibility Impact Assessment* prepared by GTA Consultants dated 11 June 2021, **as modified by Addendum Transport Assessment prepared by Stantec dated 20 October 2022,** and the 'Public Domain Plan' **SK240823 prepared by Fitzpatrick and Partners, received by the Department on 23 December 2021, NLPS-ST1-LA-DRG-3630 prepared by NBR Architecture,** the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority.

# CONSOLIDATED CONSENT

## Notes:

- Approval must be obtained for roadworks 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 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.

## Construction Access Arrangements

- B45. Prior to the commencement of construction, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and
  - (c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed.

## Public Domain Works

- B46. 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, including, but not limited to, the following:
- (a) 'Periphery Type/ Core Type' paving along the Lachlan Street frontage of the street;
  - (b) footpath paving and Landscaping works, in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005 as amended in Implementation Note 12/2015 – Liverpool CBD Paving; and
  - (c) street tree locations, species and planting sizes, paving location and layout.
- Note: The Applicant must contact Council's City Design & Public Design Section on 1300 36 2170 for further information him in relation to Liverpool CBD landscaping.*

The Applicant must submit documentation of approval for each stage from Council to the Certifier.

- B47. The public domain plan for Lachlan Street must incorporate street furniture near the main entry to the school. The furniture must be designed to avoid any perceived security risks.

## Stormwater Management System

- B48. Prior to the commencement of construction **of the relevant Stage**, 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 consistent with the concept plans submitted with the EIS drawing no.12954-02/FS001, 003, 005, 006, 007, 030, 031 and 051 Rev P2 prepared by prepared by Meinhardt/Bonacci dated 19 March 2021);~~ **be consistent with the concept plans submitted with the SSD-10391-Mod-2, drawing no. NLPS-CV-DRG-DD-002, 003, 005, 006, 030, 031, 050, 051 Rev P1 prepared by Meinhardt/Bonacci dated 10 October 2022;**
  - (c) include hydraulic modelling (as needed), engineering plans and supporting calculations prepared by a suitably qualified engineer;
  - (d) be in accordance with applicable Australian Standards, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works;

## CONSOLIDATED CONSENT

- (e) indicate the method of disposal of all stormwater, include details of rainwater tanks, on-site detention tanks, existing ground levels, finish surface levels and sizes of all pipes and pits as proposed;
- (f) indicate points of drainage connections on the adjoining streets;
- (g) include stormwater pre-treatment system details and demonstrate that the design meets pollutant retention criteria in accordance Liverpool Development Control Plan 2008;
- (h) demonstrate that the pre-development stormwater volume discharge from the site does not exceed the post-development stormwater volume discharged on to any adjoining land;
- (i) include details of the proposed overland flow path to convey the 1 in 100 ARI flow from the site and ensure that this path does not impede on areas proposed to be used for school buildings and also active playground areas for the students;
- (j) include details to demonstrate that the overland flow path would not result in any additional flooding on Burnside Drive or Lachlan Street;
- (k) include an operation and maintenance manual/ schedule for the stormwater pre-treatment system;
- (l) 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; and
- (m) be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

### Site Contamination

- B49. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
- B50. Prior to commencement of any works on the site that involves ground disturbance, the Applicant must ensure that the soil within and adjacent to the test pit TP07 is disposed off-site in accordance with the recommendations of the '*Supplementary Contamination Assessment*' Report prepared by Coffey dated 13 April 2021 and the relevant guidelines of the *Contaminated Land Management Act 1997*.
- B51. The relocation of the soil and the associated works must be supervised by consultant(s) certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- B52. Validation of the base of the excavation (i.e TP07) must be carried out to ensure contamination does not extend vertically. The consultant supervising the works must provide a certificate to the Certifier confirming that the soil has been appropriately.
- B53. The appointed NSW EPA-accredited Site Auditor must confirm satisfactory completion of the relocation of the soil by the issuance of Interim Audit Advice(s).

# CONSOLIDATED CONSENT

## 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 C33, 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) where a variation is approved in advance in writing by the Planning Secretary or her 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, unless otherwise specified in the CNVMSP required by this consent:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.



# CONSOLIDATED CONSENT

## Implementation of Management Plans

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

## Construction Traffic

- C9. All construction vehicles (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.

## Hoarding Requirements

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

## No Obstruction of Public Way

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

## Construction Noise Limits

- C12. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMSP required by condition B30 of this consent.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precinct outside of the construction hours of work outlined under condition C3.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

## Vibration Criteria

- C15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and CNVMSP, approved as part of the CEMP required by condition B30 of this consent.

## Tree Protection

- C18. 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 approved disturbance area / property boundary must be protected at all times during construction in accordance with Council's

## CONSOLIDATED CONSENT

- tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Development Impact Assessment Report, prepared by Birds Tree Consultancy, dated ~~29 May 2021~~ **27 October 2021**; 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

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. 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; **and**
  - (f) **where construction related dirt does occur on any roads, the Applicant shall remove this dirt before the end of each working day.**

### Imported Fill

- C21. 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 upon request.

### Disposal of Seepage and Stormwater

- C22. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of 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

- C23. 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.

### Rail Corridor

- C24. The Applicant must ensure that excessive soil does not enter, spread or stockpile within the rail corridor (and its easements) and that all excess soil is be adequately managed/disposed off.
- C25. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.



# CONSOLIDATED CONSENT

## Aboriginal Archaeology

- C26. The monitoring of Aboriginal archaeological excavation, recording and salvage (if any) must be undertaken for all impacted areas of the site in consultation with the Registered Aboriginal Parties that have been identified for this project.
- C27. Following the completion of the Aboriginal archaeological test excavation, recording and salvage (if any), a post excavation report is to be prepared in consultation with the Registered Aboriginal Parties. A copy of the post excavation report is to be submitted to the Planning Secretary for information, within 6 months of completion of the works.

## Unexpected Finds Protocol – Aboriginal Heritage

- C28. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

## Unexpected Finds Protocol – Historic Heritage

- C29. 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.
- C30. If any skeletal remains are uncovered during the redevelopment of the site, all work must cease in the vicinity of the human skeletal remains and an area of at least 1m around the skeletal remains secured and cordoned off using fencing and/or appropriate barriers. A suitably qualified archaeologist must be immediately contacted and must attend the site immediately. The consultant must inspect the skeletal remains to confirm that they are human. If the remains are human, the consultant must contact and liaise with the Police, Heritage NSW and the Registered Aboriginal Parties.
- Work must not recommence within the secured area until suitable management procedures are in place.

## Waste Storage and Processing

- C31. All waste generated during construction must be managed in accordance with the CWMSP forming part of the CEMP, be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C32. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C33. 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.
- C34. 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.
- C35. 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

## CONSOLIDATED CONSENT

disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### Outdoor Lighting

- C36. 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

- C37. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C38. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agreed to above, upon giving at least 4 weeks' notice to the Applicant of the date or timing upon which the audit must be commenced.
- C40. 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 C38 of this consent, or condition C39 where notice is given;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C41. Independent Audit Reports and the applicant/proponent'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.
- C42. 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.

### Flood Evacuation and traffic modelling

- C43. Within 12 months of commencement of construction, the Applicant must provide the Planning Secretary with the outcome of the consultation with State Emergency Service (SES), Department and Council in relation to the identification of appropriate flood warning triggers that will allow the school to be closed prior to impact of major flooding occurring within the site and the locality, so that shelter in place does not form any part of the Flood Emergency Management Plan required by condition D2.
- C44. Within 12 months of commencement of construction, the Applicant must undertake an analysis of the traffic in the surrounding area and its impacts on flood evacuation of the school. The analysis must:
- (a) identify the emergency student collection points for each school on the site;
  - (b) demonstrate that the identified child collection points include an appropriate assessment of traffic within the locality (Liverpool CBD and the immediate surrounds of the site) that is likely to be generated during a major road event (including the industrial area that will be reliant upon Burnside Drive);
  - (c) indicate and identify the roads that would be inundated during flood events;
  - (d) indicate the alternate roads that can be used for evacuation in the likely major flood event;
  - (e) include traffic modelling to indicate the indicative evacuation traffic volumes on the surrounding road network, including any major highway, considering the closure of sections of surrounding roads (unless otherwise agreed this is not required by SES in relation to flood evacuation); and

## CONSOLIDATED CONSENT

- (f) demonstrate whether the likely flood evacuation traffic generated by the future development and existing schools on site can be safely evacuated within the timeframe identified in the Flood Emergency Management Plan required by condition D2.

### **Operational Readiness Work**

C45. 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.

C46. Operational readiness work must only be undertaken in accordance with the details submitted under condition C45 and the following requirements:

- (a) no more than 15 staff are involved in operational readiness work;
- (b) no more than 15 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.

## **PART D PRIOR TO COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- D1. At least one month before commencement of operation **of any stage**, 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.

### **Operational Flood Emergency Management Plan and consultation**

- D2. Prior to the commencement of operation of the school, the Applicant must engage a suitably qualified and experienced person(s) to prepare a Flood Emergency Management Plan that:
- (a) seeks advice from Council and the NSW SES, noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;
  - (b) provides evidence and the outcomes of the consultation with Council and the NSW SES, including any additional recommendations made;
  - (c) addresses the provisions of the Floodplain Risk Management Guidelines (EESG);
  - (d) includes details of:
    - (i) the flood emergency responses for the operational phase of the development;
    - (ii) predicted flood levels inundation including timelines for rise and fall of the riverine and local flood events;
    - (iii) flood warning time and flood notification;
    - (iv) strategies such as early or pre-emptive school closure to avoid shelter-in-place (unless otherwise agreed with SES), evacuation, and refuge protocols where relevant;
    - (v) assembly points and evacuation routes where relevant, including detailed plans of the entire campus (including the Liverpool Boys and Girls High Schools) with delineated evacuation routes from the site to the western side of the campus and details of a coordinated approach between all of the schools (primary and high schools) within the site;
    - (vi) the identification of access roads within the wider catchment, relevant to staff and caregiver, that will not be flood affected under certain flood events (not limited to PMF events); and
    - (vii) safe vehicle evacuation routes considering the results of the traffic assessment required by condition C44; and
  - (e) includes details of awareness training for employees, contractors, visitors, students and caregivers.
- D3. Prior to the commencement of operation of the school **at any stage**, the Applicant must provide the following, to the satisfaction of the Planning Secretary:
- (a) the updated Flood Emergency Management Plan required by condition D2;
  - (b) the details of consultation outcomes with SES and Council; and
  - (c) the outcomes of the traffic assessment required by condition C44.
- D4. The operation of the school and any associated uses with this development consent cannot commence until requirements of D3 have been met.

### **Works outside the scope of the SSD application**

- D5. **Prior to the commencement of operation of the school at any stage, suitable evidence must be provided to the Certifier demonstrating that the following infrastructure works have been completed, are operational with all approvals obtained from the relevant public authorities:**
- (a) **all in-ground services and connections as relevant to each Phase; and**

# CONSOLIDATED CONSENT

- (b) **installation of a new pad mount kiosk fronting Lachlan Street, substation, concealment (consistent with documents submitted to the Department in the SRTs dated 23 December 2021) and associated connections, as relevant to each Phase.**

Prior to the commencement of operation of the school, suitable evidence must be provided to the Certifier demonstrating that the following infrastructure works have been completed, are operational with all approvals obtained from the relevant public authorities (Council's Local Traffic Committee, NSW Health, TfNSW and/or others as relevant):

- (a) ~~new staff car parking area for 33 vehicles along with associated vehicular crossings, line marking and manoeuvring areas, consistent with the plans listed in condition A2, and complying with complying with AS2890.1 and AS2890.2 (as relevant);~~
- (b) ~~directional signage indicating the location of staff car parking with "in" and "out" signs, crossings and directional arrows;~~
- (c) ~~provisions to ensure that all vehicles can enter and exit the site in a forward direction (except the Medium Rigid Vehicles within the waste hardstand area);~~
- (d) ~~road widening of Burnside Drive (by 2.5m to provide the parking lane), consistent with the plans listed in condition A2;~~
- (e) ~~the following works on the Burnside Drive footpath, subject to endorsement by NSW Health and/or other relevant roads authorities:~~
  - (i) ~~a continuous 2.5m wide footpath along the Burnside Drive frontage of the site (up to the roundabout at the southern end) to facilitate walking and cycling (subject to endorsement from NSW Health);~~
  - (ii) ~~planted verge on the footpath as agreed with NSW Health;~~
  - (iii) ~~footpath extension along the roundabout at the southern end of Burnside Drive minimising kerb ramps (where possible); and~~
  - (iv) ~~seating and shelter in the new bus zone.~~
- (f) ~~provision of a drop-off/pick-up zone with 25 car spaces, line marking and sign-posting, consistent with the plans listed in condition A2 and the relevant Australian Standards;~~
- (g) ~~provision of time limited "No Parking" restrictions during AM and PM drop-off/pick-up;~~
- (h) ~~provision of 4 car spaces along Burnside Drive (within the designated drop-off/pick-up zone) with 15 minute restricted parking between 7am to 8am and 4pm to 6pm;~~
- (i) ~~provision of three on-street parking spaces on the Lachlan Street frontage of the street with 15 minute parking restrictions between 8am – 9:30am and 2:30pm – 4pm (subject to consultation with and endorsement from Council);~~
- (j) ~~designation of a section of the drop-off/pick-up zone on Burnside Drive as a 'loading zone' outside the AM and PM peak periods;~~
- (k) ~~relocation of existing street lighting and associated electricity infrastructure works, consistent with the drawings 'Burnside Drive Street Lighting Modification' prepared by Henderson Consulting Engineers Pty Ltd dated 5 November 2021, and extending along the entire frontage of the site;~~
- (l) ~~a new playing field, storage shed, and associated earthworks/landscaping and drainage consistent with the plans listed in condition A2;~~
- (m) ~~the waste storage area along with the manoeuvring area for a Medium Rigid Vehicle in accordance with AS2890.2, consistent with the layout listed in the site plan listed in condition A2 and, where waste removal is to be undertaken by a third party, evidence provided to the Certifier that the design of the operational waste storage area:~~
  - (i) ~~is constructed using solid non-combustible materials;~~
  - (ii) ~~is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;~~
  - (iii) ~~includes a hot and cold water supply with a hose through a centralised mixing valve;~~
  - (iv) ~~is naturally ventilated or an air handling exhaust system must be in place; and~~

# CONSOLIDATED CONSENT

- ~~(v) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.~~
  - ~~(n) boundary fencing and brick walls on the boundary, consistent with the drawing 'Fencing Plan' NLPS-LA-SSD-3621-DRG-Issue A, prepared by NBRS Architecture dated 16 December 2021;~~
  - ~~(o) all in-ground services and connections; and~~
  - ~~(p) installation of a new pad mount kiosk fronting Lachlan Street, substation, concealment (consistent with documents submitted to the Department in the SRtS dated 23 December 2021) and associated connections.~~
- D6. Prior to the commencement of **operation of** the preschool **Phase A2** or the **preschool Phase B2**, suitable evidence must be submitted to the Certifier demonstrating the following:
- (a) appropriate approval has been obtained for the internal fit-out of the preschool in accordance with the Regulatory Authority requirements;
  - (b) the internal fit-out of the preschool complies with all relevant requirements of the National Regulation;
  - (c) 130sqm of unencumbered indoor play area has been provided within the preschool;
  - (d) 280sqm of unencumbered outdoor play area has been provided immediately outside the **preschool** including a covered outdoor play area providing transition between the indoor and outdoor play areas; **and**
  - (e) **the allocation of adequate dedicated preschool DOPU spaces within the internal parking area for parents/ carers, located in close proximity to the footpath access to the preschool.**

## Roadworks and pedestrian facilities - part of the SSD approval

- D7. Prior to commencement of operation of **any stage of** the school, the Applicant must complete the following infrastructure works, and provide evidence to the satisfaction of the Certifier along copies with all approvals obtained from the relevant public authorities (Council's Local traffic Committee, TfNSW or others), in relation to those works:
- (a) ~~reversal of priority crossing at Lachlan street/Forbes Street intersection, consistent with the recommendations of the Transport and Accessibility Impact Assessment prepared by GTA Consultants dated 11 June 2021 and the 'Public Domain Plan' SK210823 prepared by Fitzpatrick and Partners, received by the Department on 23 December 2021~~ **median island on Lachlan Street, restricting movements out of the site/driveway to a left-in and left-out as detailed in Addendum Transport Assessment prepared by Stantec dated 20 October 2022;**
  - (b) **deleted**
  - (c) new refuge island on the northern approach of Lachlan Street/Drummond Street intersection;
  - (d) new school crossing with a school crossing supervisor on Lachlan Street (between Drummond Street and Lachlan Lane);
  - (e) provision of bus stop(s) with shelter and seating as necessary, and the demarcation of the new bus zone (with line marking and sign-posting as necessary) along Lachlan Street;
  - (f) provision of signage within the bus zone limiting this area for authorised school buses only; and
  - (g) provision of street furniture on the Lachlan Street footpath near the school entry.
- Note: cost of all required works are to be covered by the Applicant.*

## D7A. **Prior to the operation of Phase C of the school, the Applicant must:**

- (a) **replace the existing refuge islands located at Forbes Street and Lachlan Street, with a new best practice compliant refuge island at Lachlan Street/Forbes Street intersection to facilitate left-in and left-out vehicle movements only for Forbes Street, at this intersection. The works are to be consistent with the 'Public Domain**



# CONSOLIDATED CONSENT

**Plan' NLPS-ST1-LA-DRG-3630 prepared by NBR Architecture, the recommendations of the Transport and Accessibility Impact Assessment prepared by GTA Consultants dated 11 June 2021 and Addendum Transport Assessment prepared by Stantec dated 20 October 2022;**

- (b) complete a reversal of priority crossing at Lachlan Street/Forbes Street intersection, consistent with the recommendations of the Transport and Accessibility Impact Assessment prepared by GTA Consultants dated 11 June 2021 and the 'Public Domain NLPS-ST1-LA-DRG-3630 prepared by NBR Architecture and Addendum Transport Assessment prepared by Stantec dated 20 October 2022; and**
- (c) provide evidence of completion of the works required at D7A(a) and (b) to the satisfaction of the Planning Secretary, along with copies of all approvals obtained from the relevant public authorities (Council's Local Traffic Committee, TfNSW or others).**

## **Rainwater tank**

- D8. Prior to commencement of operation of the school, the Applicant must provide evidence to the satisfaction of the Certifier demonstrating that 5000litre rainwater tank(s) have been provided on the site to facilitate water sensitive urban design.

## **Stormwater Drainage Connection**

- D9. Prior to the connection of private drainage to Council's drainage system, an inspection must be carried out by Liverpool City Council's Development Engineering Unit.

*Note: A fee will be charged in accordance with Council's adopted Fees and Charges and is to be paid prior to the inspection.*

- D10. The Applicant must demonstrate that the stormwater can be legally discharged into Burnside Drive and within the Liverpool hospital site and all agreements have been obtained in this regard.

## **External Walls and Cladding**

- D11. 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.
- D12. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## **Works as Executed Plans**

- D13. Prior to the commencement of operation, 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**

- D14. 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.

## **Operational Noise**

- D15. Prior to commencement of operation, a suitably qualified acoustic consultant must provide a report to the satisfaction of the Certifier, certifying that all design relation measures, as recommended in the NVA have been incorporated in the buildings.
- D16. The report, required by condition D15 must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur within the site post operation of the development, and that internal noise levels meet the required PNTLs and dB(A) levels as outlined in the NVA.

## CONSOLIDATED CONSENT

- D17. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation measures in relation to the mechanical plant and equipment, as required by condition B38, have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended operational noise levels identified in the NVA.

### Site Contamination

- D18. Prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier. A copy of the Site Audit Statement and Environment Management Plan must be provided to Council for information.

### Outdoor Lighting

- D19. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Mechanical Ventilation

- D20. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

### Fire Safety Certification

- D21. 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

- D22. Prior to the commencement of occupation of the relevant parts of any new building, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Post-construction Dilapidation Report – Protection of Public Infrastructure

- D23. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B20 of this consent;



## CONSOLIDATED CONSENT

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

### Repair of Public Infrastructure

D24. 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

D25. 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.

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

D26. Prior to the commencement of operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:

- (a) the provision of a minimum 60 visitor/staff/student bicycle parking spaces;
- (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) the provision of end-of-trip facilities for staff; and
- (d) the provision of appropriate pedestrian and cyclist advisory signs.

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

### School Zones

D27. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings along Burnside drive and Lachlan Street 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.*

D28. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### School Transport Plan

D29. Prior to the commencement of **any** operation, a School Transport Plan (STP), must be submitted to the satisfaction of the Planning Secretary. The plan must:

- (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
- (b) be consistent with the 'Student Transport Plan' submitted with **SSD-10391-Mod-2**;
- (c) include the 'sustainable travel action plan' as provided in table 2.3 of the Student Transport Plan;
- (d) include details of the travel coordinator nominated for the school as recommended in the 'Student Transport Plan', submitted with **SSD-10391-Mod-2**;

## CONSOLIDATED CONSENT

- (e) 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;
  - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
- (f) include operational transport access management arrangements, including:
  - (i) detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
  - (ii) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (iii) the location and operational management procedures of the drop-off/pick-up parking, including staff management/traffic controller arrangements;
  - (iv) the location and operational management procedures for the drop-off 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, **including the staff management/traffic controller arrangements for the internal driveway crossover to manage and maintain safe student crossing during peak vehicle movements;**
  - ~~(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; ~~and~~
  - (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; **and**
  - (ix) include management measures for the drop-off/pick-up zone including the details of use of car spaces by preschool users.**
- (g) **deleted**
- (h) 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;
- (i) include updates to the STP regarding the following commitments, as delivered (or progress or reasons for alternate measures):
  - (i) footpath widening along Lachlan Street frontage and the provision of a continuous footpath and landscaping **consistent with the Public Domain Plan prepared by NBRS Architecture (NLPS-ST1-LA-DRG-3630),**
  - (ii) shared user path pavement marking refreshing on Goulburn Street footpath (eastern side) between Elizabeth Street and Lachlan Street (proposed to be delivered within 2 years of commencement of operation of the school);
  - (iii) shared user path pavement marking refreshing on Lachlan Street between Goulburn Street and Hart Street (proposed to be delivered within 2 years of commencement of operation of the school);
  - (iv) shared user path pavement marking refreshing on Forbes Street between Campbell Street and Lachlan Street (proposed to be delivered within 2 years of commencement of operation of the school);

# CONSOLIDATED CONSENT

- (v) shared path infrastructure components as identified in the Liverpool Bike Plan and detailed in the Student Transport Plan (proposed to be delivered within 5 years of commencement of operation of the school); ~~and~~
  - (vi) investigation regarding new signalised pedestrian and cyclist crossing at the intersection of Lachlan Street and Macquarie Street (proposed to be delivered after 3 years of school opening);
  - (vii) **include measures to promote and support the implementation of the plan including requirements and methods to observe and frequently monitor parking and DOPU occurring within Burnside Drive, in instances where school and childcare staff and carers/parents use Burnside Drive; and**
  - (viii) **include separate requirements and methods of monitoring parking and DOPU occurring within Burnside Drive, in instances where school and preschool staff and parents/carers use Burnside Drive inconsistent with the intention of the SSD-10391-Mod-2 provisions to utilise the internal driveway.**
- (j) a monitoring and review program.

## Aboriginal Heritage Interpretation Strategy

- D30. Prior to the commencement of operation, the Applicant must submit an Aboriginal Heritage Interpretation Strategy to acknowledge the Aboriginal heritage of the site to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
  - (b) detail the Aboriginal history of the region;
  - (c) include provisions for methods to display the recovered Aboriginal artefacts (if any) during testing and salvage, from the site;
  - (d) include provision for naming elements within the development that acknowledges the site's Aboriginal heritage; and
  - (e) incorporates interpretive information within the site.

## Rail Corridor

- D31. The recommendations from the endorsed EMF Impact report are to be implemented and appropriate evidence provided to the Certifier.
- D32. Prior to the commencement of operation of the school, the Applicant must demonstrate to the satisfaction of the Certifier that all drainage from the site is adequately disposed off and managed and not discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.

## Utilities and Services

- D33. 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*.

## Signage

- D34. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking, **preschool DOPU and school DOPU** must be installed.
- D35. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Operational Waste Management Plan

- D36. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the*

# CONSOLIDATED CONSENT

*Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009) and SSD-10391-Mod-2;*

- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures **as approved in SSD-10391-Mod-2.**

## Landscaping

- D37. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d), as amended by condition B43.
- D38. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan must:
  - (a) describe the ongoing monitoring and maintenance measures **(including ongoing long-term management)** to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures submitted with the EIS, as updated by **SSD-10391-Mod-2.**

## Operational Management Plan

- D39. A final Operational Management Plan must be prepared and submitted to the Certifier for information, prior to commencement of operation of **each stage of the school and preschool, as modified by SSD-10391-Mod-2.** The Operational Management Plan must:
  - (a) be consistent with the Preliminary Operational Management Plan dated May 2021;
  - (b) include details of operational hours, community use of the school facilities;
  - (c) include details of the management of the drop-off/pick-up zone;
  - (d) include details of shared use of open space and playground areas between the three schools within the larger campus at Lot 1 within DP 1137425, 18 Forbes Street, Liverpool;
  - (e) waste management measures including confirmation that waste collection vehicles will not access the collection area during school peak times;
  - (f) details of noise management within the school and the playground consistent with the recommendations of the NVA; and
  - (g) details of management measures within the multipurpose hall in accordance with the recommendations of the NVA.

## PART E POST OCCUPATION

### Hours of operation

- E1. The preschool must operate as per the following hours:
- (a) Preschool: 7am-6pm (Monday – Friday, school term).

### Out of Hours Event Management Plan

- E2. Prior to the commencement of the first out of hours events (School Use) run by the school that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (School Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the school site (i.e. hall, play field, auditorium) would be used by the community, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E3. The Out of Hours Event Management Plan (School Use) must be implemented by the Applicant for the duration of the identified events or use.
- E4. Prior to the commencement of out of hours events (Community Use) run by the external parties that involve 100 or more people, the Applicant is to prepare an Out of Hours Event Management Plan (Community Use) in consultation with Council and submit it to the Council and Planning Secretary for information. The plan must include the following:
- (a) the number of attendees, time and duration;
  - (b) arrival and departure times and modes of transport;
  - (c) where relevant, a schedule of all annual events;
  - (d) measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);
  - (e) details of the use of the school site (i.e. hall, play field, auditorium) would be used by the community, where applicable, restricting use before 8am and after 10pm;
  - (f) measures to minimise localised traffic and parking impacts; and
  - (g) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.
- E5. The Out of Hours Event Management Plan (Community Use) must be implemented by the Applicant for the duration of the identified community event or use.

### Operation of Plant and Equipment

- E6. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Service Vehicle access

- E7. The waste collection vehicles must not access the site during the AM and PM peak hours of the school.
- E8. The designated loading zone within the drop-off/pick-up area **must** only be used outside the school AM and PM peak times.

### Multi-purpose hall

- E9. The multi-purpose hall should be managed in accordance with the recommendations of the NVA.

## CONSOLIDATED CONSENT

- E10. The Applicant must coordinate with the authorised persons of the Liverpool Boys and Liverpool Girls High School to ensure that appropriate management measures are in place in accordance with the recommendations of the NVA, to alleviate any adverse noise impacts on these schools due to use of outdoor play areas within the site.

### Warm Water Systems and Cooling Systems

- E11. 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

- E12. The Community Communication Strategy, as submitted to the Certifier **and as updated from time to time as required by this consent**, must be implemented **through all phases of operation and construction and** for a minimum of 12 months following the completion of **the final stage of construction in Phase B2**

### Operational Noise Limits

- E13. The Applicant must ensure that noise generated by operation of the development does not exceed the PNTLs in the NVA.
- E14. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development (if staging is proposed) 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 the NVA. 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

- E15. 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

- E16. The Student Transport Plan required by condition D29 of this consent must be updated annually, incorporating the proposed actions (if any) outlined in condition E7 (as proposed to be delivered) and implemented unless otherwise agreed by the Planning Secretary.

### Outdoor Lighting

- E17. Notwithstanding condition D19, 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

- E18. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D38 for the duration of occupation of the development.

### Operational Management Plan

- E19. The Applicant must update the approved operational Management Plan from time to time and ensure that the school is managed in accordance with this plan required by condition D40.

### Grease Trap

## CONSOLIDATED CONSENT

- E20. Prior to the commencement of operation of the canteen, evidence must be provided to the Certifier that a grease trap has been installed in accordance with the requirements of Sydney Water.
- E21. The grease trap must not be installed within any kitchen, food preparation or food storage area.

### Signage

- E22. Any signage approved by under the consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of occupation of the development.
- E23. The illumination of signage and LED screen must be switched off between 6pm and 7am, unless otherwise agreed by the Planning Secretary.

FOR INFORMATION



## APPENDIX 1 ADVISORY NOTES

### General

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

### Long Service Levy

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

### Legal Notices

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

### Access for People with Disabilities

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

### Utilities and Services

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

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

### Road Design and Traffic Facilities

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

### Road Occupancy Licence

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

### SafeWork Requirements

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

### Hoarding Requirements

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

### Handling of Asbestos

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

### Speed limit authorisation

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:

## CONSOLIDATED CONSENT

- (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 A35 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.