

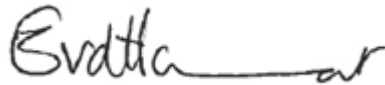
Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Sydney 27 November

2020

SCHEDULE 1

Application Number:	SSD-10365
Applicant:	Trustees of the Roman Catholic Church for the Diocese of Wollongong
Consent Authority:	Minister for Planning and Public Spaces
Site:	130-160 Jardine Drive, Edmondson Park (Lot 1, DP 1245480)
Development:	St Francis College Stage 1 landscaping works comprising installation of landscaping primarily along the southern and eastern boundaries of the site and associated works including drainage and fencing.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Trustees of the Roman Catholic Church for the Diocese of Wollongong or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including bulk earthworks, and erection infrastructure permitted by this consent.
Council	Liverpool City Council
CNVMSPP	Construction Noise and Vibration Management Sub-Plan
CTPMSP	Construction Traffic and Pedestrian Management Sub-Plan
CSWMSP	Construction Soil and Water Management Sub-Plan
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, being landscaping works and associated works including drainage and fencing, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement St Francis Catholic College – Landscaping, Revision 03</i> , prepared by City Plan dated 11/06/2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Means what is possible and practical in the circumstances

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
TfNSW	Transport for New South Wales
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

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

Plans prepared by JDH Architects			
Dwg No.	Rev	Name of Plan	Date
SSDA-002	02	Proposed Fence and Gate Details – Sheet 1	10/09/2020
SSD11	01	Proposed Site Plan	11/02/2020
SSD12	01	Existing Site Plan/Soil & Water Management Plan	11/05/2020
Landscaping Plans prepared by Arcadia Landscape Architecture			
Dwg No.	Rev	Name of Plan	Date
005	E	Stage One Landscaping Plan	27/08/2020
006	E	Landscape Sections	27/08/2020
007	E	Landscape Sections	27/08/2020
008	D	Planting Palette	17/03/2020
009	D	Planting Schedule	17/03/2020
100	E	Landscape Plan	27/08/2020
101	E	Softworks Plan	27/08/2020
102	E	Softworks Plan	27/08/2020
103	E	Softworks Plan	27/08/2020
104	E	Softworks Plan	27/08/2020
105	E	Softworks Plan	27/08/2020
106	E	Softworks Plan	27/08/2020
107	E	Softworks Plan	27/08/2020
108	E	Softworks Plan	27/08/2020
200	E	Landscape Details	27/08/2020
Internal Civil Engineering Works prepared by Henry & Hymas			
Dwg No.	Rev	Name of Plan	Date
18E34_D3_C000	02	Cover Sheet, Drawing Schedule, Notes and Locality Sketch	Jan 2019
18E34_D3_C100	03	General Arrangement Plan	Jan 2019
18E34_D3_D101	03	Site Detail Plan – Sheet 1 of 2	Jan 2019
18E34_D3_D102	03	Site Detail Plan – Sheet 2 of 2	Jan 2019
18E34_D3_C200	02	Stormwater Miscellaneous Details	Jan 2019

18E34_D3_C201	02	OSD Plan and Sections	Jan 2019
18E34_D3_C202	02	OSD Sections and Details	Jan 2019
18E34_D3_C203	02	OSD Calculations and Music Modelling Results	Jan 2019
18E34_D3_C250	03	Stormwater Catchment Plan	Jan 2019
18E34_D2_SE01	02	Sediment and Erosion Control Plan	Jan 2019
18E34_D2_SE02	02	Sediment and Erosion Control Details	Jan 2019
Traffic Management Plans prepared by Bitzios Consulting			
Dwg No.	Rev	Name of Plan	Date
P4367 – 1	002	Traffic Control Plan McFarlane Road Construction Vehicle Access West of Vinny Road	05/03/2020
P4367 – 1	002	Truck and Dog Site Ingress/Egress Swept Paths	05/03/2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- 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) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

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

Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Planning Secretary as Moderator

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

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Structural Adequacy

- A9. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

Site Contamination

- A10. Remediation approved as part of this development consent must be carried out in accordance with the Phase 2 Contamination Assessment dated December 2019 and prepared by GeoEnviro Consultancy Pty Ltd.

Applicability of Guidelines

- A11. 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.
- A12. 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

- A13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

Access to Information

- A14. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

- A15. 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

- A16. 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.
- A17. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A18. 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.
- A19. 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.
- A20. 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

- A21. Within three months of:
- (a) the submission of a compliance report under condition A24;
 - (b) the submission of an incident report under condition A16;
 - (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.
- A22. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

Compliance Reporting

- A23. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A24. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A25. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A26. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance

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

Landscaping

- A27. Following the removal of Tree 31 Spotted Gum (*Corymbia maculata*) as identified by the Arboricultural Statement prepared by Mark Bury Consulting and dated 07/10/2020, a replacement Water Gum (*Tristanopsis laurina*) must be planted in close proximity to the removed Tree 31 prior to the completion of construction. The replacement tree must be a minimum 200L pot size.
- A28. All trees to be planted on site must be a minimum 200L pot size.

Retaining walls

- A29. Retaining walls for the project or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, must be designed strictly in accordance with the manufacturer's details or by a practising structural engineer. All retaining walls for the project must be of masonry construction and must be wholly within the boundary of the site, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries must not compromise the structural integrity of any existing structures.
- A30. Where a retaining wall on the site boundary exceeds 600mm in height, the wall must be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

Works at no cost to Council

- A31. All roadworks, drainage works and dedications, required to effect the consent development must be undertaken at no cost to Council.

Overland Flow

- A32. Any overland flow from adjoining areas running through the site must be not disturbed and accommodated into the drainage system of the development. The stormwater drainage system must be designed considering the future development of upstream properties. The stormwater pipe system must have adequate capacity to convey future upstream post-development flows as per Council's drainage design requirements. Detailed design plans along with calculation must be submitted for Councils review and approval.

Footpath Construction

- A33. The footpath is to be constructed at 100mm thick with SL72 mesh.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

S138 Roads Act – Minor Works in the public road

- B1. Prior to the issue of a Construction Certificate, a Section 138 *Roads Act 1993* application/s, including payment of fees, must be lodged with Liverpool City Council as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- (a) vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- (b) road openings for utilities and stormwater (including stormwater connection to Council infrastructure)
- (c) road occupancy or road closures.

All works must be carried out in accordance with the *Roads Act 1993* approval, conditions and approved plans of this consent, and to Council's specifications.

Water Quality

- B2. Prior to the issue of a Construction Certificate, the Certifier must ensure that the details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with Council's Development Control Plan. The Construction Certificate must be supported by:

- (a) specification and installation details of the stormwater pre-treatment system
- (b) the approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system.

A copy of the approved operation and maintenance manual/schedule must be submitted to Council with notification of the Construction Certificate issue.

Access, Car Parking and Manoeuvring – General

- B3. Prior to the issue of a Construction Certificate the Certifier must ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.

On-Site Detention

- B4. Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and must accompany the application for a Construction Certificate. The stormwater drainage system must be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Prior to the issue of a Construction Certificate, the Certifier must ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and On-Site Stormwater Detention policy and Technical Specification.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.

Protection of Public Infrastructure

- C2. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C3. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets within 100 m either side of the development that are likely to be impacted by the proposed works.

Unexpected Contamination Procedure

- C4. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C8 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

Community Communication Strategy

- C5. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (a) identify people to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Outdoor Lighting

- C6. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P)

lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Environmental Management Plan Requirements

- C7. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

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

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

Construction Environmental Management Plan

- C8. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C10);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition C11);
 - (d) Construction Soil and Water Management Sub-Plan (see condition C12);
 - (e) an unexpected finds protocol for contamination and associated communications procedure; and
 - (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- C9. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C10. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C11. 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) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C11(d);

- (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C11(d).
- C12. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (d) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (e) detail all off-site flows from the site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI.
- C13. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- C14. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events in accordance with the CSWMSP.

Construction Parking

- C15. 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.

Public Domain Works

- C16. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Building Plan Approval

- C17. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to, the details of the Builder and Certifier and must satisfy the following requirements:
- (a) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (b) the notice must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

- (a) 7am and 6pm, Mondays to Fridays inclusive; and
- (b) 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D4. Construction activities may be undertaken outside of the hours in condition D3 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or their nominee if appropriate justification is provided for the works.
- D5. Notification of such construction activities as referenced in condition D4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- D7. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

Construction Traffic

- D8. 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.

No Obstruction of Public Way

- D9. 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

- D10. The development must be constructed to achieve the construction noise management levels detailed in the '*Construction Noise Assessment SSD – Landscape Masterplan Report No. 5948-9.1R*' by Day Design Pty Ltd dated 06/03/2020. 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 '*Construction Noise Assessment SSD – Landscape Masterplan Report No. 5948-9.1R*' referred to in this condition and the approved CNVMSP required by condition C11.
- D11. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding outside of the construction hours of work outlined under condition C4.
- D12. 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

- D13. 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).
- D14. 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 D13.
- D15. The limits in conditions D13 and D14 apply unless otherwise outlined in a Construction Noise and Vibration Management Sub Plan, approved as part of the CEMP required by condition C11 of this consent.

Tree Protection

- D16. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency, must be replaced to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction; 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

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D18. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D19. All erosion and sediment control measures must be effectively implemented in accordance with the CSWMSP and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- D20. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- D21. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Stormwater Management System

- D22. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Unexpected Finds Protocol – Aboriginal Heritage

- D23. In the event that surface disturbance identifies an Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site must be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works may only recommence with the written approval of Heritage NSW.

Unexpected Finds Protocol – Historic Heritage

- D24. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

- D25. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D26. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D27. 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.
- D28. 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.
- D29. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- D30. 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.

Pollution control

- D31. The Applicant must maintain all adjoining public roads to the site in a clean and tidy state, free of excavated spoil material.

Footpath and road carriageway damage

- D32. The Applicant must report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/departure of materials associated with the site. The damage must be reported to Council as soon as the damage becomes apparent to the building/site manager. Arrangements to the satisfaction of Council must be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

PART E PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Landscaping

- E1. Upon completion of the approved landscape works associated with the development and prior to the issue of an Occupation Certificate, an Implementation Report must be submitted to the Certifier attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plans.

Post-construction Dilapidation Report

- E2. Prior to issue of an Occupation Certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be forwarded to Council.

Rectification of damage

- E3. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development must be rectified at no cost to Council.
- E4. Prior to the issue of an Occupation Certificate, unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- E5. Prior to the issue of an Occupation Certificate, unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Council clearance – Roads Act/Local Government Act

- E6. Prior to the issue of an Occupation Certificate, the Certifier must ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Council.

Compliance documentation

- E7. Prior to the issue of an Occupation Certificate the following compliance documentation must be submitted to the Certifier. A copy of the documentation must be provided to Council where Council is not the Certifier:
- (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings must be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings must be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE must be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans;
 - (b) the WAE drawings must clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding);

- (c) the WAE drawings must be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges;
- (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections must be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified must be rectified in consultation with Council;
- (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries;
- (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction specifications;
- (g) Structural Engineer's construction certification of all structures; and
- (h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report must include:
 - i) compaction reports for road pavement and construction;
 - ii) compaction reports for bulk earthworks and lot regrading; and
 - iii) statement of compliance.

Stormwater Compliance

- E8. Prior to the issue of an Occupation Certificate, the Certifier must ensure that the on-site detention system/s and stormwater pre-treatment system/s:
- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - (b) Have met the design intent with regard to any construction variations to the approved design;
 - (c) Any remedial works required to have been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s must be provided as part of the WAE drawings.

Restriction as to User and Positive Covenant

- E9. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and stormwater pre-treatment system/s must be registered on the title of the property. The restriction as to user and positive covenant must be in Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

PART F PRIOR TO COMMENCEMENT OF OPERATION

Stormwater Quality Management Plan

- F1. Prior to the commencement of operation, an Operation and Maintenance Plan (OMP) must be submitted to the satisfaction of the Certifier. The OMP must be implemented throughout the life of the development to ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Outdoor Lighting

- F2. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that any 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.

PART G POST OCCUPATION

Unobstructed Driveways and Parking Areas

- G1. 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.

Outdoor Lighting

- G2. Notwithstanding condition D30, 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

- G3. The Applicant must maintain the landscaping and vegetation on the site in accordance with the '*Preliminary Landscape Management Plan*' prepared by JHD Architects and dated 28/04/2020.

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.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A28 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.