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New South Wales

Ministerial Authorisation (Lismore South Public School) Order 2025

under the

NSW Reconstruction Authority Act 2022

I, Janelle Saffin, Minister for Recovery, make the following Order under the *NSW Reconstruction Authority Act 2022*, section 68.

Dated: 3/10/2025.

Handwritten signature of Janelle Saffin in black ink.

JANELLE SAFFIN MP

Minister for Recovery

Explanatory Note

The object of this Order is to authorise the reconstruction of Lismore South Public School on the conditions specified in this Order.

Ministerial Authorisation (Lismore South Public School) Order 2025

under the

NSW Reconstruction Authority Act 2022

1. **Name of Order**

This Order is the *Ministerial Authorisation (Lismore South Public School) Order 2025*.

2. **Commencement**

This Order commences on the day it is signed and remains in force until the Order lapses in accordance with the conditions specified in Schedule 2 or is otherwise revoked.

3. **Effect**

This Order authorises the carrying out of the development specified in Schedule 1 (**Development**) without the need for an approval or assessment under the *Environmental Planning and Assessment Act 1979* (**Ministerial Authorisation**), other than:

- a) the requirement to certify Crown Building Work in accordance with section 6.28 of the *Environmental Planning and Assessment Act 1979*; and
- b) the requirement to comply with any other Act or statutory instrument.

4. **Authorised development**

The development specified in Schedule 1 is authorised subject to the conditions in Schedule 2.

Schedule 1 Authorised development

Land: Lismore South Public School located at 69-79 Kyogle Street, South Lismore and comprised in:

- Lot 21 in 1/448737
- Lot 22 in 1/448737
- Lot 23 in 1/448737
- Lot 26 in 1/448737
- Lot 1 in 64010
- Lot 1 in 158407
- Lot 2 in 158407

Development: The rebuild of the Lismore South Public School on the eastern parcel of the existing school, comprising:

- bulk earthworks (fill and excavation and other site preparation works);
- construction of a new elevated school building, including:
 - a one storey building (with undercroft areas below) fronting Kyogle Street containing a general learning space (GLS) hub, hall, library, support hub, administration, and pre-school.
 - Undercroft outdoor learning areas as well as amenities and storage located on ground level.
- Removal of 49 trees.
- A car park on the eastern side of the site, with access from Kyogle Street with 26 parking spaces. Waste collection will occur within this carpark, utilising the same access from Kyogle Street.
- Multiple entrance points, including:
 - Primary and secondary entries distributed on site frontages.
 - Vehicular access point to provide access to waste collection/delivery area and car parking.
- Other minor off-site works to improve broader transport arrangements for the school

Development includes construction and the use of the rebuilt public school and excludes demolition of existing buildings.

Schedule 2 Conditions of authorisation

Definitions

ACHAR	The Aboriginal Cultural Heritage Assessment Report listed in Table 1 of Condition 3.
AHIMS	Aboriginal Heritage Information Management System.
AHIP	Aboriginal Heritage Impact Statement.
Authorisation	This Ministerial authorisation of the Development.
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan.
Conditions	The conditions set out in this Schedule 2.
Construction	All physical work to enable the carrying out of the Development, (unless specifically excluded or modified by a Condition) including the erection of buildings and other infrastructure permitted by this Authorisation, but excluding the following: <ul style="list-style-type: none"> • Demolition; • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities.
Council	Lismore City Council.
Crown Certificate	A certificate for the Development issued by a Crown Certifier under section 6.28 of the EP&A Act, or equivalent.
Crown Certifier	An accredited certifier who is authorised to issue certifications as required by Part 6 of the EP&A Act for the Development.
Crown Completion Certificate	A compliance certificate issued by a Crown Certifier for the Development under Division 6.5 of the EP&A Act, or equivalent.
CWTS	Construction Worker Transportation Strategy.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the Site.

ACHAR	The Aboriginal Cultural Heritage Assessment Report listed in Table 1 of Condition 3.
Development	The Development as described in Schedule 1 and in the documents listed in Table 1 of Condition 3.
DoE	Department of Education.
EFSG	<i>Educational Facilities Standards and Guidelines.</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW).</i>
EPA	NSW Environment Protection Authority.
Exempt or complying development	Has the same meaning as those terms are defined in the EP&A Act.
FERP	Flood Emergency Response Plan, listed in Table 1 of Condition 3, as revised from time to time.
National Construction Code	National Construction Code published and maintained by the Australian Building Codes Board. It is made up of the Building Code of Australia, Volume 1 and 2, and the Plumbing Code of Australia.
RA	NSW Reconstruction Authority.
RAP	Means any registered Aboriginal Party listed in Table 2.2 of the ACHA.
REF	The Review of Environmental Factors version 5 dated 22 July 2025 prepared by Gyde Consulting for the Development.
Roads Act	<i>Roads Act 1993 (NSW).</i>
SES	Means State Emergency Services.
SINSW	School Infrastructure NSW.
Site	The Land as described in Schedule 1.

Part A – General Measures

Obligation to Prevent Impacts to The Environment

1. In addition to meeting all of the Conditions, DoE and SINSW must continue to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the Development, including the implementation of reasonable measures to mitigate those effects from the Construction and on-going operation of the Development.

Obligation to Include School in ongoing Northern Rivers' Strategic Risk Assessments

2. In addition to meeting all of the Conditions, DoE and SINSW must have regard to the Northern Rivers Disaster Adaptation Plan once it is made to consider the long-term appropriateness of the school's location as part of the region's ongoing strategic risk

assessment process when considering whether or not to carry out any future development at the Site (other than exempt or complying development).

Development in Accordance with Plans and Documentation

3. The development must be carried out generally in accordance with the REF, and generally in accordance with the following plans and supporting documentation, except where a Condition expressly requires otherwise:

Table 1: Approved Plans and Supporting Documentation			
Approved Plans			
Site Survey Plans prepared by Beveridge Williams dated Survey Plan prepared by Bennett and Bennett dated 1 March 2023 version A (sheets 1 to 5)			
Architectural Drawings prepared by EJE Architects			
Plan No.	Plan Rev.	Plan Name	Plan Date
A-000	M	Coversheet	12/06/2025
A-010	B	Existing Site Plan	15/11/2024
A-011	B	Site Analysis	15/11/2024
A-012	B	Site Analysis – Built Environment	15/11/2024
A-013	B	Site Analysis – Opportunities and Constraints	15/11/2024
A-014	M	Site Demolition Plan	12/06/2025
A-020	T	Site Plan – Ground Floor	12/06/2025
A-042	H	Perspective View	12/06/2025
A-043	G	Artistic Render	12/06/2025
A-044	J	Artistic Render	12/06/2025
A-045	H	Artistic Render	12/06/2025
A-046	J	Artistic Render	12/06/2025
A-047	J	Artistic Render	12/06/2025
A-048	J	Artistic Render	12/06/2025
A-049	F	Sunlight Diagrams	12/06/2025
A-050	L	Shadow Diagrams	12/06/2025
A-051	E	Signage Plan	12/06/2025
A-100	T	Ground Floor Plan	12/06/2025
A-101	S	Level 1 Plan	12/06/2025

A-102	S	Roof Plan	12/06/2025
A-200	M	Elevations – Flood Levels	12/06/2025
A-201	N	Elevations – Sheet 1	12/06/2025
A-202	N	Elevations – Sheet 2	12/06/2025
A-300	L	Overall Site Sections	12/06/2025
A-301	N	Sections – Sheet 1	12/06/2025
Civil Engineering Plans prepared by TTW (NSW) Pty Limited Structural, Civil, Traffic, Facade			
<u>Plan No.</u>	<u>Plan Rev.</u>	<u>Plan Name</u>	<u>Plan Date</u>
LSPS-TTW-00-DR-C-00001	A	General cover sheet and drawing index	06/06/2025
LSPS-TTW-00-DR-C-00002	A	General notes and legend	06/06/2025
LSPS-TTW-00-DR-C-02001	A	Earthworks notes and legend	06/06/2025
LSPS-TTW-00-DR-C-02011	A	Earthworks cut and fill volumes plan	06/06/2025
LSPS-TTW-00-DR-C-03001	A	Pavement notes and legend sheet 1	06/06/2025
LSPS-TTW-00-DR-C-03011	A	Pavement plan	06/06/2025
LSPS-TTW-00-DR-C-04001	A	Stormwater notes and legend	06/06/2025
LSPS-TTW-00-DR-C-04011	A	Stormwater management plan	06/06/2025
LSPS-TTW-00-DR-C-07011	A	Public domain works plan	06/06/2025
LSPS-TTW-00-DR-C-09201	A	Environmental Erosion control notes, legend and details	06/06/2025
LSPS-TTW-00-DR-C-09211	A	Erosion and sediment control plan	06/06/2025
Landscape Plans prepared by Terras Landscape Architects			
<u>Plan No.</u>	<u>Plan Rev.</u>	<u>Plan Name</u>	<u>Plan Date</u>
14968.5	S	Landscape Plan (plans contained within the Landscape Plan report)	12/06/2025
Supporting Documents			

<p>Gyde Consulting Review of Environmental Factors version 5 (updated post exhibition) dated 22 July 2025</p>
<p>NSW Department of Education Mitigation Measures (updated post exhibition) dated 22 July 2025</p>
<p>EJE Architects Architectural Design Quality Report – Lismore South Public School – Flood Recovery Rebuild (revision E) dated 18 June 2025</p>
<p>Terras Architects Landscape Plan (revision S) dated 12 June 2025</p>
<p>TTW Civil Engineering Report – Lismore South Public School (revision 5) dated 6 June 2025</p>
<p>Taylor Thomson Whitting Flood Impact and Risk Assessment – Prepared to support a Review of Environmental Factors (REF) for the Rebuild of Lismore South Public School (revision 6) dated 20 June 2025</p>
<p>TTW Flood Emergency Response Plan – Prepared to support a Review of Environmental Factors (REF) for the Rebuild of Lismore South Public School (revision 4) dated 10 June 2025</p>
<p>TTW Business Flood Safe Plan – Lismore South Public School (revision 2) dated 20 February 2025</p>
<p>JK Environments Pty Report to NSW Department of Education on Detailed Site Investigation for Lismore South Public School - Flood Recovery Rebuild (revision 2) dated 5 June 2025 (including <i>Salinity and Acid Sulphate Soil Assessment and Management Plan</i> at section 4.4, and <i>Surface and Groundwater Impact Assessment</i> at sections 7.2 and 8.6)</p>
<p>JK Environments Report to NSW Department of Education on Remediation Action Plan for Lismore South Public School - Flood Recovery Rebuild (final report) dated 5 June 2025</p>
<p>JK Environments Report to School Infrastructure NSW on Geotechnical Investigation for Proposed Flood Recovery Rebuild at Lismore South Public School (revision 3) dated 6 June 2025</p>
<p>GHD Hazardous Building Materials Assessment – Lismore South Public School – Flood Recovery Rebuild (revision 4) dated 4 June 2025</p>
<p>GHD Arboricultural Impact Assessment – Lismore South Public School – Flood Recovery Rebuild (final revision) dated 5 June 2025</p>
<p>Group DLA Building Code of Australia 2022 Report – Lismore South Public School – Flood Recovery Rebuild (revision F) dated 4 June 2025</p>
<p>Group DLA Access Report – Lismore South Public School – Flood Recovery Rebuild (revision F) dated 6 June 2025</p>
<p>LCI ESD Report 230772 Lismore South Public School – Flood Recovery Rebuild (revision T5) dated 4 June 2025</p>
<p>GHD Lismore South Public School – Flood Recovery Rebuild – Waste Management Plan (revision 3) dated 4 June 2025</p>
<p>Crossley Transport and Access Impact Assessment – Lismore South Public School – Flood Recovery Rebuild (revision 5.1) dated 4 June 2025</p>
<p>PWNA Lismore South Public School – Flood Recovery Rebuild – Noise and Vibration Assessment Report (R5) dated 6 June 2025</p>

GML <i>Lismore South Public School – Flood Recovery Rebuild – Aboriginal Cultural Heritage Assessment Report (ACHAR)</i> (revision 6) dated 6 June 2025
AMAC Archaeological <i>Baseline Historical Archaeological Assessment – Lismore South Public School – Flood Recovery Rebuild (V.5)</i> dated 5 June 2025
GYDE <i>Social Impact Assessment - Lismore South Public School – Flood Recovery Rebuild</i> dated 12 June 2025
LCI <i>Building Services Infrastructure Report – Northern Rivers Flood Recovery – Lismore South Public School Rebuild</i> (revision F) dated 6 June 2025
Geolink <i>Biodiversity Summary -Lismore South Public School – Flood Recovery Rebuild 2025</i>
TTW <i>Structural Engineering Design Report - Lismore South Public School</i> (revision D) dated 6 June 2025
Department of Planning, Housing and Infrastructure <i>Lismore South Public School, Risk Assessment and Supporting Information Review Comments, 23 July 2025 – Comments provided by the Chief Engineer</i>
TTW <i>Response to NSW SES Comments – Flood Recovery Rebuild of Lismore South Public School</i> letter to Andrew Robinson of NSW Department of Education dated 21 July 2025
Crossley <i>Response to Transport for NSW Comments – Lismore South Public School – Transport and Accessibility Impact Assessment</i> letter to Court Walsh, Team Leader, Transport for NSW dated 21 July 2025

In the event of any inconsistency between the documents in Table 1 and a Condition, the Condition prevails.

Lapsing

- This Authorisation will lapse if work is not physically commenced within 12 months of the date of this Authorisation.

Crown Certificate

- A Crown Certificate is to be obtained from a Crown Certifier prior to any work commencing.

Approvals

- These Conditions do not remove any obligation to obtain all other licences, permits, approvals from all relevant authorities as required under any other legislation. The terms and conditions of such licences, permits, approvals and permissions must be complied with at all times. A copy of all approvals is to be provided to the Crown Certifier and relevant SINSW Project Director.

Land Owners Consent

- Prior to the commencement of any public domain works, landowners consent must be obtained in writing from the relevant landowner or authority.

Works in the Road Reserve

8. Prior to the commencement of any relevant work, any required approval under Section 138 of the Roads Act is to be obtained from the relevant roads authority.

Amendment Tracking

9. Any amendments to a Condition, or any material amendments to a document listed in Table 1 of Condition 3, must be recorded in an amendment register maintained by the SINSW Statutory Planning Team.
10. The amendment register referred to in Condition 9 must outline each proposed amendment, explain the need for the proposed amendment and demonstrate why the proposed amendment will result in a development that is substantially the same as the Development. If the amendment is a material amendment to a document listed in Table 1 of Condition 3, the amendment register must also outline how the environmental impacts of the proposed amendment have already been considered, and how it will reduce the overall environmental impact of the approved application.
11. If the requirements in Condition 10 are not able to be met in respect of a proposed amendment, then the proposed amendment is not authorised by this Authorisation, and application and environmental assessment must be made to the RA for a further Ministerial authorisation pursuant to Part 7 Division 2 of the *NSW Reconstruction Authority Act 2022* (NSW).

Non-Compliance Notification

12. The relevant SINSW Project Director and the RA must be notified as soon as practical when any noncompliance with a Condition is identified. The notification should identify the relevant works, set out the Condition that works are non-compliant with, the way in which it does not comply, any known reasons for the non-compliance and what actions have been, or will be undertaken, to address the non-compliance.
13. If the Development proposes to incorporate performance-based design for any fire safety requirement, (i.e. a performance solution in accordance with the National Construction Code (NCC) Volume 1 (Class 2 to 9 buildings), Fire and Rescue NSW must be engaged in the Performance-Based Design Brief (PBDB) process as a stakeholder.

National Construction Code

14. All building work is to be undertaken in accordance with the National Construction Code, as relevant.

Access for People with Disabilities

15. All works must be designed and constructed to provide access and facilities for people with a disability in accordance with the EFSG (or provide evidence of EFSG departure approval by SINSW), National Construction Code and the recommendations of the *Accessibility Assessment Report* listed in Table 1 of Condition 3. Prior to the issue of a Crown Completion Certificate, the Crown Certifier must ensure that evidence of compliance with this Condition from a suitably qualified person is provided.

Long Service Levy

16. A Crown Certificate must not be issued unless the Crown Certifier is satisfied that the required levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (NSW) has been paid. The levy must be paid by the person

liable, as specified in Section 38 of the *Building and Construction Industry Long Service Payments Act 1986* (NSW).

Structural Adequacy

17. All buildings and structures must have a structural certificate prepared and issued by a qualified and practicing structural engineer which confirms that the structural work is compliant with the structural drawings and the requirements of this Authorisation.

Undercroft Construction, Materials and Services

18. All building materials and services provided to the undercroft of buildings, including amenities and storage area, must have a certificate prepared and issued by an appropriately qualified person which confirms that the material selection and construction of all elements is compliant with the requirements of this Authorisation.

External Walls and Cladding

19. Prior to commencement of any Construction work, independent advice from an appropriately qualified and practising engineer is required to confirm that the products and systems proposed for use, or used in the Construction of any external walls of new or in alterations or additions to existing buildings, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the National Construction Code. The advice is to be provided to the Crown Certifier prior to the commencement of any Construction work.
20. Prior to the issue of the Crown Completion Certificate, 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 National Construction Code must be provided to the Crown Certifier, and be made available on the proponent's website within seven days after acceptance by the Certifier.

External Materials

21. Prior to the issue of the Crown Completion Certificate, the external colours, materials and finishes of buildings must be consistent with the approved plans listed in Table 1 of Condition 3. Any minor change to the colour or finish of the approved external materials may be approved by the Crown Certifier, provided that the:
 - (a) alternative colour or material is of a similar tone, shade and finish to the approved external materials and colours;
 - (b) quality and durability of any alternative material is the same (or higher) standard as the approved external building materials; and
 - (c) relevant SINSW Project Director approves the change.

Flooding

22. Design Review Against Flood Impact Report: The design of the Development is required to be reviewed during detailed design and prior to Construction to ensure compliance with the mitigation measures outlined in the approved *Flood Risk and Impact Assessment* listed in Table 1 of Condition 3. Any significant design changes are required to be evaluated by a suitably qualified flood engineer for potential flood impact.
23. Flood Resilience: Flood-resistant materials must be used for structures located at or below the Finished Floor Level (FFL) of 15.25m AHD. Essential services (e.g., air conditioning

units, electrical switchboards) must be positioned above the FFL, except for the hydrant booster. In detailed design, and prior to construction, a suitably qualified structural engineer is to certify the structure design will resist flood forces up to and including the Probable Maximum Flood, with consideration of debris loading, hydrostatic & hydrodynamic forces, local scour (based upon geotechnical advice) and buoyancy of structure (as well as any other matters outlined in the relevant Australian Standards). This is to be in accordance with the recommendations of the approved *Structural Engineering Schematic Design Report* listed in Table 1 of Condition 3.

24. The raised floor level must have a minimum finished floor level of RL 15.25 m AHD, as shown on the *Architectural Drawings* listed in Table 1 of Condition 3.

Contamination

25. Prior to the commencement of any Construction work, the *Detailed Site Investigation* and the *Remediation Action Plan (RAP)* listed in Table 1 of Condition 3 must be reviewed by a NSW EPA Accredited Site Auditor (**Site Auditor**) and a Site Audit Statement prepared which determines the appropriateness of the *Detailed Site Investigation* and the RAP.
26. Remediation of known contamination is to be carried out in accordance with the requirements of the RAP, once it is determined by the Site Auditor to be appropriate in a Site Audit Statement.
27. Amendments to the approved RAP which are required by the Site Auditor or as a result of further investigations must be prepared by a suitably qualified contamination consultant. Any amendments to the approved contamination reports are to be provided to the engaged NSW EPA Accredited Site Auditor for review and approval.
28. Following completion of the remediation works, a Site Validation Report is to be submitted to the relevant DoE Project Director or Senior Project Director and the Crown Certifier. A notice of completion of remediation work must also be given to Council within 30 days of completion of the work in accordance with Section 4.14 and Section 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.
29. Following remediation of the Site, a site audit statement must be obtained from a NSW EPA Accredited Site Auditor which certifies that the Land is suitable for its intended use as a school subject to compliance with the Environmental Management Plan required by the RAP.
30. The site audit statement must be provided to the satisfaction of the Crown Certifier prior to the issue of a Crown Completion Certificate.
31. The Environmental Management Plan required by the RAP must be incorporated into the Lismore South Public School Emergency Management Plan.
32. Prior to the commencement of any Construction work, any remediation work or any other disturbance of the soil on the Site, a construction phase Asbestos Management Plan for asbestos in or on soil is required to be prepared and implemented to manage the Site prior to the issue of the Site Audit Statement which certifies that the Land is suitable for its intended use.

Imported Fill Material

33. Imported fill material must be compatible with the existing soil characteristics of the Site and limited to the following:
 - (a) virgin excavated natural material (VENM); and/or

- (b) excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or
 - (c) material subject to a Waste Exemption under Clause 91 and Clause 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the approved works.
34. Material described in Condition 33(c) may only be used under a capped surface or as a component of road base, asphalt, or concrete, so that it is not loose on the surface of the Land.
35. Certificates proving that the imported fill material complies with Conditions 33 and 34 must be provided to the Crown Certifier and the relevant SINSW Project Director prior to filling works.

Imported Mulch

36. Any imported mulch must be sourced from NSW and comply with the Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014* and the Mulch Order 2016 recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the works under the REF. Mulch must not include physical or chemical contaminants and must minimise harm to the environment through the introduction, spread or increase in any weed, disease or pest. A written statement provided by the supplier confirming compliance with the Resource Recovery Mulch Order 2016 is to be provided to the Crown Certifier and the relevant DoE Project Director/Asset Manager prior to importing the mulch.

Aboriginal Cultural Heritage

37. Prior to commencement of Construction, a copy of the ACHAR must be provided to the Widjabul Wia-bal Gurrubmil Aboriginal Corporation (being the RAP).
38. Consultation must be maintained with the RAP during detailed design of the landscape design with a view to ensuring that Country is embedded into the Project, and during Construction of the Development (specifically prior to subsequent ground disturbance).
39. If the heritage consultant changes through the Development, suitable hand over should be undertaken to ensure no loss or mistranslation of the intent of the information, findings and future steps in heritage management occur.
40. Prior to the commencement of construction, an Aboriginal Heritage Unexpected Finds Protocol, inclusive of a Stop Works Procedure must be prepared by a qualified archaeologist. The Unexpected Finds Protocol must require that, if any Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during any Construction work, all works in the vicinity must cease and the area must be appropriately protected. The SINSW Heritage Team and the RA is to be notified and an archaeologist engaged to undertake a site inspection to assess the find. The RAP is to be invited to Site, along with the archaeologist. Following the on-site assessment, the archaeologist and RAP (if they attended the Site) are to advise on whether further management, mitigation or approvals are required in consultation with the SINSW Heritage Team. Should Aboriginal objects be identified, these are to be registered in the AHIMS. Any required AHIP must be obtained prior to recommencement of works.
41. The Aboriginal Heritage Unexpected Finds Protocol must be in place for the duration of Site redevelopment to manage any exposure of undocumented remains. The head contractor is

responsible for ensuring compliance with this protocol during all excavation and other relevant works on the Site.

42. An Aboriginal heritage induction and cultural awareness training must be provided to all staff and contractors involved in the construction of the Development so that workers are aware of their statutory obligations regarding Aboriginal heritage and understand the cultural significance of the area as part of the wider Lismore landscape. The cultural awareness training should be presented by a representative of the RAP.

Non-Aboriginal Heritage

43. Prior to the commencement of Construction a Non-Aboriginal Heritage Unexpected Finds Protocol is to be prepared by a qualified archaeologist and remain in place for the duration of Construction to mitigate and manage exposure of undocumented remains that may occur on the Site. The Principal Contractor is to ensure implementation of the Non-Aboriginal Heritage Unexpected Finds Protocol during all excavation and other relevant works on the Site.

Waste Generation

44. Waste generated during Construction and operation of the Development is to be managed in accordance with the waste management hierarchy, where waste avoidance, minimisation and recycling is prioritised above disposal.

Complaints Handling

45. Prior to commencement of any Construction work, a Complaints Register must be created to record the details of all complaints received and the means of resolution of those complaints. On receiving a complaint, details of the complaint must be recorded in the register and provided to the relevant SINSW Project Director and reviewed to determine whether issues relating to the complaint can be resolved, avoided or minimised. A response approved by the relevant SINSW Project Director must be provided to the complainant within 10 days of receiving the complaint explaining what remedial actions (if any) were taken.

Part B – Prior to Commencement of Any Construction Work

Note: The following Conditions are to be complied with prior to the commencement of any Construction work.

Pre-Construction Dilapidation Report

46. Prior to the commencement of any Construction work, a Pre-Construction Dilapidation Report must be prepared by a suitably qualified expert and submitted to Council, relevant asset/service infrastructure owners, the Crown Certifier and the relevant SINSW Project Director. The report must provide an accurate record of the existing condition of adjoining private properties and the road frontage of the site that are likely to be impacted by the works (and that have agreed to an offer for a dilapidation survey), the condition of fabric for heritage items and assets/service infrastructure that is likely to be impacted by the works (including the road reserve along the frontage of the property).

Independent Audits

47. A risk-based program of independent audits must be prepared for the work, having regard to the AS/NZS ISO 19011-2019 Guidelines for Auditing Management Systems. Audits are to be undertaken by suitably qualified personnel independent to the works and documented in an audit report which:

- (a) assesses how the Mitigation Measures are being satisfied;
- (b) outlines the adequacy of any documents required under the Mitigation Measures;
- (c) outlines the performance of the works with respect to any impacts on the surrounding environment including the local community; and
- (d) recommends any measures or actions to improve the performance of the works, if deemed required.

The independent audit program is to be provided to the relevant DoE Project Lead and DoE Post Approval and Compliance Team for agreement.

Site Safety

48. Construction site fencing is to be installed around the Construction Site. Construction vehicle and pedestrian access points to the Construction Site are to be clearly designated, signposted and controlled for authorised access only. The fence is to be provided prior to any work commencing on site.

Site Notice Board

49. Prior to the commencement of any Construction work, a site notice board must be located at eye level at the entrance or other appropriate location at the Site in a prominent position for the benefit of the community. The Site notice must be displayed throughout the entire Construction period, be A1 sized, durable, weatherproof and include the following information:
- (a) 24-hour contact person for the Site;
 - (b) telephone and email addresses;
 - (c) site works and timeframes; and
 - (d) details of where accessible project information can be sourced.

Works Notification

50. Prior to the commencement of any Construction work, Council and the occupiers of any land within 80 metres of the Site boundaries must be notified in writing of the proposed Construction of the Development. The notice must outline the works to be undertaken, the expected timing for commencement and expected timing for completion of Construction works. A minimum period of 48 hours notification prior to the commencement of any Construction work shall be given.

Construction Environmental Management Plan

51. Prior to the commencement of any Construction work, a Construction Environmental Management Plan (CEMP) is to be prepared and provided to the Crown Certifier. The CEMP must be prepared having regard to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects (2020)* prepared by the Department of Planning and Environment, and where relevant, it is to 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;
 - (iv) stormwater control and discharge;
 - (v) erosion and sediment control measures;
 - (vi) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site;
 - (vii) any other specific environmental construction conditions/mitigation measures detailed in the REF;
 - (viii) any requirements outlined in any relevant approvals, permits, licences or owners consents; and
 - (ix) community consultation and complaints handling;
- (b) Aerial Site Plan showing the location of the works;
 - (c) Construction Traffic and Pedestrian Management Plan;
 - (d) Construction Noise and Vibration Management Plan;
 - (e) Waste Management Plan (including details on contaminated waste);
 - (f) Construction Air Quality and Dust Management Plan;
 - (g) Construction Soil and Water Management Plan;
 - (h) Flood Management Plan;
 - (i) Tree Protection Plan;
 - (j) Demolition Work Plan;
 - (k) Asbestos Management Plan;
 - (l) Aboriginal and Non-Aboriginal Heritage Management Plans;
 - (m) Erosion and Sediment Control Plan;
 - (n) Salinity Management Plan;
 - (o) unexpected finds protocol including a Stop Works Procedure for Aboriginal and non-Aboriginal heritage;
 - (p) unexpected finds protocol for contamination;
 - (q) Construction Emergency Management Plan; and
 - (r) training of responsibilities/heritage site inductions under the *National Parks and Wildlife Act 1974*, *Heritage Act 1977* and any other relevant legislation, as relevant to the works.

52. The following requirements must be included in the CEMP:

- (a) the procedures set out in the FERP listed in Table 1 of Condition 3 as updated from time to time;

- (b) the use and storage of hazardous materials and dangerous goods, including petroleum, distillate and other chemicals, shall be in accordance with the relevant legislation including, but not limited to:
 - (i) *Protection of the Environment Operations Act 1997*;
 - (ii) *Work Health and Safety Regulation 2017*;
 - (iii) *AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids*; and
 - (iv) *Safe Work NSW Code of Practice – Managing Risks of Hazardous Chemicals in the Workplace*;
- (c) all materials must be wholly contained within the Construction Site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing and stockpiling Construction and waste materials, when disposing of waste products and during any other works likely to pollute drains or watercourses;
- (d) building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work and concrete trucks shall be undertaken in the Construction Site in a location so as to prevent air, land or water pollution;
- (e) all equipment and machinery shall be secured to prevent against vandalism outside of Construction hours;
- (f) a spill containment kit will be available at all times. All personnel will be made aware of the location of the kit and trained in its effective deployment;
- (g) no batching plant is permitted on the Site;
- (h) a copy of the approved and certified plans, specifications and documentation shall be kept on Site at all times and shall be available for perusal by any authorised regulatory authority;
- (i) all contractors must meet all workplace safety legislation and requirements;
- (j) all relevant personnel, including contractors and their subcontractors must receive:
 - (i) training on these Conditions and the requirement to undertake the Development as per these Conditions;
 - (ii) cultural awareness training, including of relevant heritage considerations, legislative requirements and the recommendations of the ACHAR listed in Table 1 of Condition 3. This must be conducted on Country by a RAP for the Site Manager and/or the person responsible for the site induction process;
 - (iii) training in relation to their responsibilities under the *Heritage Act 1977*; and
 - (iv) a copy of the site induction that includes aboriginal and heritage cultural awareness;
- (k) no vehicle maintenance is permitted in the Construction areas except in emergencies; and
- (l) where flooding is forecasted, the Construction Site is to be shut down prior to the commencement of the work day and all plant and building equipment is to be secured.

The Construction of the Development must be carried out generally in accordance with the CEMP.

Construction Noise and Vibration Management Plan

53. The Construction Noise and Vibration Management Plan (CNVMP) to be included in the CEMP is to include (but not limited to) the following requirements:
- (a) all works will be in accordance with *AS 2436-2010: Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*;
 - (b) building contractors are to implement the requirements of the *Interim Construction Noise Guideline (July 2009)* prepared by the then NSW Department of Environment and Climate Change, as far as reasonably practicable;
 - (c) construction is to be carried out in accordance with the National Construction Code deemed-to-satisfy provisions with respect to noise transmission;
 - (d) consideration of the conceptual mitigation measures in section 6 of the *Noise and Vibration Impact Assessment*;
 - (e) plant and equipment are to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded;
 - (f) any equipment not used for extended periods to be switched off;
 - (g) quiet work methods/technologies:
 - (i) as much as practicable, use quieter demolition methods;
 - (ii) excavation is to be conducted initially using excavator with bucket (quietest excavation method), then use of rock rippers (as opposed to hydraulic hammers and rock saws) when rock strength permits. Use of loudest excavation equipment (hydraulic hammers/rock saws) is to be used only when other options are not available;
 - (h) delivery trucks must deliver Construction materials in a location that is generally located away from the closest residence;
 - (i) materials handling/vehicles:
 - (i) trucks and forklifts in general use on Site are to use a non-tonal reversing beacon (squawker) where possible (subject to OH&S requirements) to minimise potential disturbance of surrounding receivers;
 - (ii) careless dropping of Construction materials into empty trucks is to be avoided;
 - (iii) trucks, trailers and delivery vehicles are to turn-off engines when idling to reduce noise impacts (unless required for concrete pumping or similar); and
 - (j) site induction:
 - (i) a copy of the CNVMP is to be available to contractor. The location of the CNVMP should be advised in any site induction; and
 - (ii) details of the process of notifying any complaints are to be provided at site induction.

Construction Air Quality and Dust Management Plan

54. The Construction Air Quality and Dust Management Plan to be included in the CEMP is to include at least the following requirements:
- (a) spraying of paint and other materials with the potential to become air borne is only to be undertaken on days with still or light wind conditions to prevent drift;
 - (b) no burning of waste materials is permitted;
 - (c) dust generated during Construction works is to be avoided, suppressed or controlled to avoid impact on surrounding properties;
 - (d) all necessary maintenance for Construction vehicles and equipment is to be undertaken during the Construction period/approved work hours;
 - (e) excessive use of vehicles and powered Construction equipment is to be avoided;
 - (f) exposed areas are to be progressively revegetated as soon as practical;
 - (g) vehicle wash down areas are to be established on-Site to ensure all mud and soil from Construction vehicles is not carried onto public roads;
 - (h) all vehicles involved in any excavation and/or Demolition and departing the Site with Demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway; and
 - (i) vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications and meet the requirements of the *Protection of the Environment Operations Act 1997* and associated regulations.

Additional project specific requirements are also to be included, as required.

Waste

55. Prior to commencement of Construction, the *Waste Management Plan* listed in Table 1 of Condition 3 must be updated and implemented in consultation with the Council and the EPA and included in the CEMP. The Waste Management Plan must be prepared in accordance with the EPA's *Waste Classification Guidelines* and the *Protection of the Environment Operations Act 1997 (NSW)*.
56. The updated *Waste Management Plan* must include the following details:
- (a) the anticipated quantity and type of the waste to be generated and their intended fate;
 - (b) how waste will be segregated, handled, stored, managed and then collected and transported for treatment and/or disposal;
 - (c) any testing or monitoring procedures;
 - (d) how materials segregation will be achieved, particularly the segregation of hazardous demolition waste, contaminated waste, resource recovery materials and waste generated from the construction and demolition staff;
 - (e) the capability of the waste management facilities in Councils LGAs to accept the volumes of waste; and
 - (f) waste tracking and reporting requirements.

57. The updated *Waste Management Plan* must include (but is not limited to) the following requirements:
- (a) Work Site is to be left tidy and rubbish free each day prior to leaving the Site and at the completion of works;
 - (b) non-recyclable waste and containers are to be regularly collected and disposed of at a licenced waste disposal site. Frequency of collection should be identified and records maintained;
 - (c) no burning or burying of waste is permitted on the Site;
 - (d) bulk garbage bins delivered by authorised waste contractors are to be placed/kept within the Site boundary;
 - (e) no materials will be used in a manner that will pose a risk to public safety and waste generated from the works will be recycled wherever possible;
 - (f) all loose material stockpiles are to be stored within the temporary Construction compounds and are to be protected from possible erosion;
 - (g) unnecessary resource consumption will be avoided;
 - (h) all soils and materials (liquid and solid) to be removed from the Site must be analysed and classified by an appropriately qualified consultant in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and related guidelines, in particular the *Waste Classification Guidelines*, prior to offsite disposal; and
 - (i) all waste must be disposed of at an appropriately licensed waste facility suitable for the specific waste. Receipts for the disposal of the waste must be submitted to the SINSW Project Director/Project Manager within 14 days of the waste being disposed.

Noise and Vibration

58. External noise emissions from mechanical services: Mechanical plant is to be designed to achieve compliance with external noise level criteria discussed in Section 3.1 of the *Noise and Vibration Assessment Report* listed in Table 1 of Condition 3.

Note: conceptual recommendations are presented in Section 5.1 of the Noise and Vibration Assessment Report for implementation during detailed design stages.

59. Internal noise levels: Mechanical plant is to be designed to achieve compliance with the internal noise level criteria discussed in Section 3.4 of the *Noise and Vibration Assessment Report* listed in Table 1 of Condition 3. Additionally, all mechanical plant is to be resiliently vibration mounted to achieve compliance with vibration criteria as per Section 3.7 of the Report.

Arboriculture and ecology

60. Pruning works are to be undertaken by a suitably qualified and experienced arborist complying with the *Australian Standard for the Pruning of Amenity Trees, AS4373-2007*. Natural Target Pruning methods should be used wherever possible when removing sections from retained trees.

61. Trees not approved to be pruned or removed are to be protected generally in accordance with *AS 4970-2009 Protection of Trees on Development Sites*. The tree protection measures are to remain in place until the completion of all work.
62. Tree protection fencing must be installed prior to construction, and maintained during construction, to exclude construction from the tree protection zone (TPZ). TPZ fencing will be installed as per Section 4.1.1 of the *Arboricultural Impact Assessment* identified in Condition 3, Table 1.
63. The extent of vegetation clearing is to be clearly delineated on the Site prior to works commencing.
64. If any hollow-bearing trees are to be removed prior to and during construction, pre-clearance surveys are to be undertaken each morning before clearance takes place by an ecologist or spotter-catcher.

External Lighting

65. All external lighting must be in accordance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting* and maintained during the Construction period.

Traffic and parking

66. A road safety audit must be conducted during the detailed design phase of the project.
67. A Construction Traffic Impact Assessment and Construction Traffic Management Plan must be prepared during the detailed design phase of the project to assess and manage construction phase traffic impacts on the surrounding road network.
68. Prior to operation, the draft School Transport Plan in the *Transport and Access Impact Assessment* listed in Table 1 of Condition 3 must be updated to reflect the *Response to Transport for NSW Comments* listed in Table 1 of Condition 3.

Construction Worker Transport Strategy

69. Prior to the commencement of any Construction work, a Construction Worker Transportation Strategy is to be prepared and submitted to the Crown Certifier for approval. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for Construction workers to minimise demand for parking in nearby public and residential streets or nearby public parking facilities.

Stormwater Management System

70. During detailed design, and prior to the commencement of Construction, the operational stormwater management system, include adequate stormwater pits and pipes, swales and overland flow paths to limit the quantity of stormwater runoff, must be designed in accordance with the *Civil Engineering Report* and the *Approved Plans* listed in Table 1 of Condition 3, and details of it submitted to the satisfaction of the Crown Certifier and /or Council, as relevant.
71. The operational stormwater management system must:
 - (a) be designed, constructed and operated in accordance with the *Civil Engineering Report* and the *Approved Plans* listed in Table 1 of Condition 3,
 - (b) incorporate all of the relevant stormwater management and quality measures and recommendations outlined in the *Civil Engineering Report*, including the installation of

41x460mm PSorb Stormfilters, 8 x Ocean Protect Oceanguard Pit inserts and 1 swale to remove the quantity of gross pollutants, suspended solids, nitrogen and phosphorous to Council water quality requirements;

- (c) be designed, constructed and operated in accordance with the applicable Australian Standards including in respect of the system capacity; and
- (d) be designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) Guidelines.

Groundwater

- 72. During detailed design, further geotechnical investigations must be undertaken to confirm whether the groundwater table will be intercepted. If it will be intercepted, a dewatering plan must be prepared in accordance with any relevant authority requirements, and the requisite approvals obtained, prior to the commencement of Construction.
- 73. Should any unexpected groundwater be encountered during Construction works that is not within the scope of any dewatering plan, works are to cease immediately until a dewatering plan is prepared or updated in accordance with any relevant authority requirements, and the requisite approvals obtained.
- 74. Prior to disposing of any groundwater:
 - (a) investigation of the groundwater must be undertaken to determine whether any water quality treatment measures are required to be employed during dewatering to manage the presence of zinc; and
 - (b) Council is to be consulted in relation to the appropriate measures for the management and disposal of the groundwater.

Geotechnical investigations

- 75. Prior to Construction, and to inform the detailed design of the Development, further site investigations and laboratory testing must be carried out to characterise the stiffness, consolidation characteristics and depth of the alluvial clays on the site. Additional investigation must also be completed following demolition to confirm site conditions in those areas that were previously inaccessible to the drilling rigs.
- 76. Prior to Construction, to inform the detailed design of the Development, detailed settlement analysis for the foundation system must be obtained to further assess the potential and magnitude of any consolidation settlement that will occur as a result of the additional stresses placed on the lower normally consolidated clay layer (Unit 3).
- 77. Prior to and during Construction, proof-rolling inspections and further advice on subgrade treatment such as bridging layers and/or lime stabilisation is to be undertaken and obtained to inform detailed design of the Development.
- 78. Prior to and during Construction, the following further geotechnical investigations are also required, with regard to the following, to inform detailed design and Construction:
 - (a) where relevant, lime-demand and lime-stabilised California Bearing Ratio testing, if such an approach is preferred by SINSW (based on the geotechnical advice) for pavement construction;
 - (b) where relevant, in-situ density testing of all materials placed as engineered fill to confirm that it complies with the earthworks specification;

- (c) where relevant, design of working platforms for the specific piling rigs proposed; and
 - (d) where relevant, inspection of footing excavations and piling.
79. The design recommendations in the *Geotechnical Investigation* listed in Table 1 of Condition 3 are to be implemented in detailed design, prior to Construction. Those recommendations are only to be disregarded if further, more detailed geotechnical investigations (as outlined in Conditions 75 to 78) identify different recommendations for implementation.

Salinity

80. A Salinity Management Plan is to be prepared prior to the commencement of any construction work. The Salinity Management Plan is to be generally in accordance with the Salinity Management Plan at Section 10 of the *Salinity and Acid Sulfate Soil Assessment and Salinity Management Plan* by JK Environments, accompanying the REF.
81. The Salinity Management Plan is to be implemented during all site construction activities.

Obstacle limitation surface

82. If cranes or other construction measures or machinery are required to be used during Construction which involve intrusion into the prescribed airspace for Lismore Airport, the appropriate controlled activity approval must be obtained through the relevant approval authority prior to works commencing on Site.

Services

83. The plumbing contractor is to coordinate the necessary actions for new utility connections. The contractor is to manage the application and approval process with the appropriate authority for both sewer and water connections.

Part C – During Construction Work

Note: The following Conditions are to be complied with during construction work.

Construction Management

84. The Site and all Construction works are to be managed and carried out generally in accordance with:
- (a) the CEMP and all of its associated plans, protocols and procedures, which are required to the satisfaction of Condition 51;
 - (b) the plans and supporting documents listed in Table 1 of Condition 3; and
 - (c) any other licences, permits and approvals as required under any other legislation.

No Obstruction of Public Way

85. Building materials, machinery, vehicles, refuse, skip bins or the like must not be stored or placed outside of the Site.

Pedestrian Access

86. Safe pedestrian access in and around the Site shall remain unimpeded at all times. Required informative signage and directional information must be provided in appropriate locations. Where necessary, traffic control measures will be implemented.

Work Hours

87. The undertaking of any Construction work, including the entry and exiting of Construction and delivery vehicles at the Site, is restricted to the following standard work hours:
- (a) Monday to Friday inclusive: Between 7.00am to 6.00pm;
 - (b) Saturday: Between 8.00am to 1.00pm; and
 - (c) Sunday and Public Holidays: No work permitted.
88. Provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following additional work hours:
- (a) Mondays to Friday inclusive: Between 6:00pm to 7:00pm; and
 - (b) Saturday: Between 1:00pm to 4:00pm.
89. Construction work may be undertaken outside of the standard and additional work hours outlined above, but only if notification has been given to the occupiers of any land within 80 metres of the Site boundaries before undertaking the work or as soon as is practical afterwards, and only if it is strictly 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 completely inaudible at the nearest sensitive receiver; or
 - (d) for the delivery of oversized equipment or structures that police or other authorities determine require special arrangements to transport along public roads; or
 - (e) for the delivery, setup and removal of construction cranes; or
 - (f) for maintenance and repair of public infrastructure where disruption to essential services, required system conditions and/or considerations of work safety do not allow work within standard hours; or
 - (g) for public infrastructure works where work outside the recommended standard hours is supported by the affected community to shorten the length of the project; and
- in each case the justification for the need to work outside the recommended construction hours is demonstrated and documented.

Construction Methods

90. To minimise loss of amenity, blasting is not permitted and the use of any rock excavation machinery, mechanical pile drivers or the like is restricted to the following hours:
- (a) Monday to Friday inclusive: 9:00am to 12:00pm;
 - (b) Monday to Friday inclusive: 2:00pm to 5:00pm; and
 - (c) Saturday: 9:00am to 12:00pm.

Arboriculture and ecology

91. Stump and root material from a tree elected for removal that is growing in close association with a tree nominated for retention are to be cut to ground level or by other means deemed appropriate. Tree removals are to be undertaken by a suitably qualified and experienced arborist.
92. Rumble boards or steel plates are to be used to between the stages of demolition and construction of the new carpark (but not including demolition). Where any structural roots (those with a diameter greater than 20 mm) are encountered by excavation, these are to be pruned with clean, sharp pruning tools by a suitably qualified arborist. If temporary access into any TPZ is required for machinery during construction, then ground protection measures are required. Measures may include permeable membranes such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards.
93. During Construction, any unavoidable excavation within the demarked TPZ must be undertaken by hydro excavation. Any exposed roots >20 mm in diameter must be assessed by the appointed consulting arborist to determine if they require pruning.
94. If threatened species such as Koalas are encountered, works must be paused and managed consistent with the recommendation of the *Biodiversity Summary* listed in Table 1 of Condition 3.
95. All construction work is to be undertaken generally in accordance with the *Saving Our Species Hygiene guidelines* (DPHIE, 2020).
96. Contractors are to ensure all machinery and equipment is cleaned prior to entering the works areas to mitigate the risk that soil, vegetation and Yellow Crazy Ants and/or Fire Ants are not imported to the site. Any observations of Yellow Crazy Ants and/or Fire Ants are to be reported to the Biosecurity Hotline, the DPI website, or via the Local Lands Services office.
97. To prevent the introduction and spread of biosecurity risk weeds during construction, machine and equipment must be cleaned prior to Site entry. Weed management is to comply with the *Biosecurity Act 2015* and/or any relevant Council requirements.

Services and Utilities

98. All services and utilities in the Construction area must be appropriately disconnected and reconnected as required. The relevant contractor is required (if necessary) to consult with the relevant authorities to determine disconnection and reconnection requirements. Where services or utilities are found not to be adequate to support the works, they are to be appropriately augmented, subject to obtaining any required approvals or permits.

Sediment and Erosion

99. Sediment control measures must be implemented in accordance with the Landcom/ Department of Housing *Managing Urban Stormwater; Soils and Construction Guidelines* and be properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Sediment control fencing must be completely removed once the site is adequately revegetated.

Asbestos Handling

100. Prior to the commencement of any Construction work where asbestos or asbestos-containing material, or other hazardous material is to be impacted, disturbed or uncovered, compliance

with SafeWork NSW requirements shall be adhered to. Asbestos and other hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material transported and disposed of in accordance with EPA requirements.

Unexpected Site Contamination

101. During Construction works, should any contamination information or contaminants be identified which have the potential to alter previous site contamination assessments and recommendations, the relevant SINSW Project Director or Senior Project Director must be immediately notified and works must cease in the location of the contamination. Works must not recommence until a suitably qualified contamination consultant has investigated the unexpected contamination and provided recommendations for the necessary remedial work required to render the site suitable for the activity.

Non-Aboriginal Heritage

102. If any archaeological relic (or potential relic) of heritage significance is discovered during any Construction work, all work in the vicinity must cease and the area must be appropriately protected. Materials should not be removed from the ground wherever possible. The DoE Heritage team and the RA is to be notified and an archaeologist engaged to undertake a site inspection to ascertain whether the finds are significant relics. Construction works cannot recommence in that area until advised by the archaeologist, in consultation with the SINSW Heritage Team. Should significant relics be identified, any external approvals required prior to impacting the relics must be obtained.

Human Remains

103. If human remains are identified, work must cease and the area around where the remains are found must be protected from all disturbance. Finds are not to be displaced from the location where they are found. The DoE Heritage Team is to be notified and a specialist archaeologist engaged to assess the find. If human skeletal material less than 100 years old is discovered, the NSW Police are to be contacted in accordance with the *Coroners Act 2009*. Should the skeletal material prove to be archaeological Aboriginal remains, Heritage NSW and the Local Aboriginal Land Council must be notified. Notification must also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*.

Matters of National Environmental Significance

104. If any:
- (a) new matters of national environmental significance (MNES) are identified on the Site; or
 - (b) there are any circumstances that would change the results of assessment already undertaken in relation to a MNES;

works must cease and assessment and approval (if required) obtained under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

Part D – Prior to Commencement of Operation

Crown Completion Certificate

105. A Crown Completion Certificate is to be issued by a Crown Certifier prior to the occupation of the Development and forwarded to DoE's Statutory Planning Post Approvals Team.

Compliance with Plans and Supporting Documentation

106. Prior to the issue of a Crown Completion Certificate, evidence must be provided to the satisfaction of the Crown Certifier that the works have been carried out generally in accordance with these Conditions and the plans and supporting documents listed in Table 1 of Condition 3.

Independent audits report

107. Prior to the issue of a Crown Completion Certificate, the independent audits report requires by Condition 47 is to be provided to the satisfaction of the Crown Certifier.

Heritage Interpretation Strategy – to be completed

108. The Heritage Interpretation Strategy and associated works required by this consent shall be completed prior to the issue of any Crown Completion Certificate.
109. The appointed heritage specialist is to confirm in writing the works required for the Heritage Interpretation Strategy have been completed to their satisfaction prior to the issue of any Crown Completion Certificate.

Flood Emergency Response Plan (FERP)

110. Prior to the issue of any Crown Completion Certificate the proponent shall submit to Council an updated FERP for the development. The FERP shall identify the following:
- (a) the height at which the localised flooding needs to reach before evacuation procedures are triggered;
 - (b) the procedure for evacuation of staff and children, including that shelter-in-place is not considered a viable option, and that the school is to be closed before the school day if flood events as set out in condition (a) above are forecast under SES advice;
 - (c) the actions to be taken to minimise damage to equipment, goods or other property stored in the development; and
 - (d) a requirement to conduct annual training and drills to ensure preparedness.
111. Prior to the commencement of operation, the FERP is to be incorporated with the Lismore South Public School Emergency Management Plan, and the FERP must be implemented by the school as necessary.

Roads Act Approval

112. If required, approval under section 138 of the Roads Act for all the works upon the public road shall be obtained. For this approval, full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy the conditions of this consent.

Traffic and parking

113. The Transport Access Guide must be updated to reflect adjustments to kiss and drop, parking, bike parking and bus services on the day of opening.

114. The School Travel Plan (STP) is to be further developed during detailed design, prior to occupation of the new buildings, incorporating consideration of the comments provided by Transport for NSW, including Attachment A, dated 10 July 2025 (in Appendix 35 of the REF).

Noise and vibration

115. Noise emissions from outdoor playgrounds: An Operation Management Plan for the school is to be prepared prior to operations which includes measures to manage noise emissions from outdoor activities at the school. This should include the noise recommendations of Section 5.3 of the *Noise and Vibration Assessment Report* listed in Table 1 of Condition 3. This includes (but is not limited to) restriction on use of outdoor playgrounds between 6:30am to 7:00am.
116. Noise emissions from outdoor PA system: The Outdoor PA system for the school should be designed so internal noise levels do not exceed 87 dB LAeq (15 minutes), and so that noise emissions do not exceed the intrusiveness criteria at nearest impacted residences as set out in Section 5.5 of the *Noise and Vibration Assessment Report* listed in Table 1 of Condition 3. The Outdoor PA system should only operate between 9:00am and 3:00pm.

Fire Safety Certification

117. Prior to issue of a Crown Completion Certificate, a Fire Safety Certificate must be obtained for all the essential fire or other fire safety measures forming part of the determination. A copy of the Fire Safety Certificate must be submitted to the relevant authority. The Fire Safety Certificate must be prominently displayed in the relevant building.

Utilities and Services

118. Prior to issue of a Crown Completion Certificate, a Compliance Certificate under Section 307 of the *Water Management Act 2000* (NSW) must be obtained.

Works as Executed

119. Within 21 business days after issue of a Crown Completion Certificate, 'Works as Executed' drawings are to be submitted to the Crown Certifier and the relevant SINSW Project Director.

Compliance with Food Standards Code

120. Prior to the issue of a Crown Completion Certificate, a certificate from a suitably qualified person must be obtained to certify that the kitchen, food storage and food preparation areas have been constructed in accordance with *AS 4674:2004 Design, construction and fit-out of food premises*. The certificate is to be provided to the satisfaction of the Crown Certifier.

Mechanical Ventilation

121. Prior to the issue of a Crown Completion Certificate, it must be demonstrated to the Crown Certifier that any new mechanical ventilation systems comply with:
- (a) *Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings*, and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Post-Construction Dilapidation Report

122. Prior to the issue of a Crown Completion Certificate, a Post-Construction Dilapidation Report is to be prepared by a suitably qualified expert and submitted to Council, relevant property

owners, relevant asset/service infrastructure owners, the Crown Certifier and the relevant SINSW Project Director. The report must determine whether the Construction work has resulted in any structural damage to adjoining private properties and assets/service infrastructure identified in the Pre-Construction Dilapidation Report required by Condition 46. If the report determines that there is damage as a result of Construction works associated with the approved works, the identified damage must be repaired as soon as practical to the satisfaction of the Crown Certifier, prior to the issue of a Crown Completion Certificate.

123. Prior to the issue of the Crown Completion Certificate it is the proponent's responsibility to arrange an inspection with Council to assess the condition of the road reserve along the frontage of the property and the construction of the vehicular access. Any damage to the road reserve as a result of construction activities will need to be rectified prior to final acceptance by Council and within six months of the issue of the Crown Completion Certificate.

Arboricultural

124. Immediately after the completion of construction work and 18 months after, the consulting arborist will carry out an assessment of all trees retained and/or affected by the Construction of the Development.

Operational Waste Management

125. Prior to the issue of a Crown Completion Certificate, any operational waste management measures necessary for the activity shall be finalised in an Operational Waste Management Plan. This plan must outline how waste will be minimised, handled, stored and disposed of appropriately, in accordance with any relevant guidelines. A copy of the Operational Waste Management Plan is to be provided to the satisfaction of the Crown Certifier.

Stormwater Operation and Maintenance Plan

126. Prior to the issue of a Crown Completion Certificate, a Stormwater Operation and Maintenance Plan is to be prepared and submitted to the satisfaction of the Crown Certifier. The Stormwater Operation and Maintenance Plan shall ensure that stormwater quality measures remain effective during site operations and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details; and
 - (c) Work Health and Safety requirements.

External Lighting

127. Prior to the issue of the Crown Completion Certificate, independent advice is required to confirm that the design of any new or upgraded external lighting is in accordance with *Australian Standards AS/NZS 1158.3.1:2020 Lighting for roads and public spaces – Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements* and *AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting*, as relevant. The advice is to be provided to the Crown Certifier. The external lighting must be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Operational Noise – Plant and Machinery

128. Prior to the issue of a Crown Completion Certificate, it must be demonstrated to the Crown Certifier that noise associated with the operation of mechanical plant or machinery installed or impacted as part of the approved works does not exceed the relevant project noise trigger levels as recommended in the *Noise and Vibration Assessment Report* listed in Table 1 of Condition 3.

Signage

129. Prior to the issue of a Crown Completion Certificate, signage and directional information must be installed to the satisfaction of the Crown Certifier. This includes any necessary advisory signage, wayfinding and/or identification signage provided on the plans listed in Table 1 of Condition 3, including installation of the Flood Warning Notice as required by Section 3.4 of the FERP listed in Table 1 of Condition 3.

Management of crime risk

130. To manage crime risk, the following must be carried out prior to occupation and operated and maintained during occupation:
- (a) install a quality CCTV system to monitor the school, especially at the access points, which is capable of being remotely accessed by suitably trained staff and/or reputable security company that could review and download images should these be required by NSW Police;
 - (b) install external lighting around the proposed exterior of the school buildings, entry/exit points and the carpark, which does not produce glare or dark shadows and is orientated to illuminate potential threats or suspects accessing the location, rather than impede those that may be within the Development observing, or looking out;
 - (c) repair or replace internal and external lighting that is damaged in a timely manner;
 - (d) promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as overgrown vegetation, placement of garbage bins, and any other items that may provide concealment areas.
 - (e) ensure that the existing landscaping (trees) that are intended to be retained and any new or additional landscaping does not block natural surveillance opportunities and site lines from both within the school looking out, and from passing vehicles looking in, and does not allow persons unlawfully on the school grounds to conceal themselves and/or entrap potential victims.

Part E – During Occupation

Note: The following Conditions are to be complied with post occupation of the works on an ongoing basis.

Landscape Management

131. Landscaping at the Site that is associated with the works must continue to be maintained.

Fire Safety Certificate

132. The school must submit an annual Fire Safety Certificate to Council every 12 months after the initial Fire Safety Certificate is issued.

Stormwater Management

133. Stormwater management systems, including any water treatment systems, must be maintained and operated in a proper and efficient condition including regular maintenance in relation to vegetation and sediment to prevent the provision of suitable mosquito habitat over time.

Emergency Management Plan

134. The Lismore South Public School Emergency Plan, incorporating recommendations of the FERP, must be implemented by the Department and the school. Evacuation drills and flood awareness lessons should be conducted annually, in line with the FERP.
135. The school must make copies of the FERP available to community members who use the school facilities, and include details of flood risks and evacuation procedures as part of any facility hiring or use conditions.
136. Lismore South Public School must provide copies of the FERP to community members utilising the school's facilities, and must incorporate information regarding flood risks and evacuation procedures within all facility hire or usage agreements.
137. The Emergency Management Plan and FERP must at all times:
- (a) be consistent with the NSW SES Lismore Flood Emergency Sub Plan;
 - (b) contain a site-specific emergency response plan that is maintained throughout the duration of the Development. This plan must clearly identify designated responsibilities, activation triggers, sources of flood information, and how it integrates with relevant existing plans. It should also outline processes to ensure the plan remains current and effective.
- be regularly updated to ensure alignment with the DoE's emergency roles and responsibilities, as specified in the NSW State Flood Plan and verified with the relevant regional contact.
138. The FERP must be reviewed annually and post any flood event, in consultation with SES (including the Zone Planning Team for North Eastern Zone) and the Crisis Response and Recovery from the Department of Education - Health, Safety and Staff Wellbeing Directorate (or equivalent), having regard to any relevant Disaster Adaptation Plan and any new or revised flood studies for the locality.
139. Early closure and evacuation of the school is to be prioritised over shelter-in-place, which is not considered a viable option, in accordance with the Lismore South Public School Emergency Plan and SES advice.

Undercroft Space

140. Prior to commencement of operations, a restriction must be registered in accordance with the *Conveyancing Act 1919* against the title of the property to which the development relates that ensures the space under the school cannot be further enclosed, and shall remain as approved in the architectural drawings listed in Table 1 of Condition 3.

Traffic and parking

141. The School Transport Plan is to be implemented to actively encourage walking, cycling and use of public transport.

Noise and Vibration

142. External noise emissions from multi-purpose hall: Hall doors should be maintained closed for school events, especially if these events are conducted during the evening and night-time periods.
143. Noise emissions from waste collection services: Waste collection is to only be conducted between 7:00am and 10:00pm.
144. Outside of school hours care: Students and carers should be located indoors between 6:30am and 7:00am.

Flooding

145. The *Flood Impact and Risk Assessment* listed in Table 1 of Condition 3 must be reviewed and updated every 5 years and after significant flood events by an appropriately qualified and experienced engineer. Updates should incorporate the latest climate data and flood modelling.

Criminal Assets Recovery Act 1990 (section 21C)
ASSETS FORFEITURE NOTICE

In accordance with section 21C of the *Criminal Assets Recovery Act 1990 (the Act)*, the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$535,315 in Australian currency (**the property**) and any interest accrued thereon, seized by New South Wales Police Force (**NSWPF**) officers on 24 April 2024 during the execution of a search warrant at unit 501C, 41 to 45 Belmore Street, Ryde, NSW, 2112

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by NSWPF as a result of it being seized by NSWPF officers during the execution of a search warrant at unit 501C, 41 to 45 Belmore Street, Ryde, NSW, 2112, on 24 April 2024, subsequent to which a person was charged with dealing with proceeds of crime offences. The property is held by NSWPF pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
 - a. of a person suspected of engaging in serious crime related activity; and/or
 - b. suspected of being serious crime derived property because of serious crime related activity; and/or
 - c. an interest in property suspected of being an available interest relating to serious crime use property.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by **17 December 2025** and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to confiscations@crimecommission.nsw.gov.au; and
2. include the following information:
 - (a) the name, date of birth and address of the person making the claim (**the claimant**),
 - (b) the basis of the claim, including the following and evidence, if any, supporting the following –
 - (i) a description of the claimant’s interest in the property,
 - (ii) how the interest in the property was acquired,
 - (iii) why the interest in the property is not illegally acquired property,
 - (c) a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after **17 December 2025**.

14 October 2025

Assistant Commissioner (Legal)
New South Wales Crime Commission

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