

UPDATED MODIFIED CONDITIONS

The further assessment and response to matters raised by DPIE has resulted in some updates to the proposed modifications to the conditions of consent. As requested by DPIE, a consolidated set of the conditions as proposed to be modified is provided below. All amendments required are shown in red text or denoted by a strike through.

- The Development Consent is proposed to be modified as follows:

SCHEDULE 2 - CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

PART A ADMINISTRATIVE CONDITIONS

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, Response to Submissions and supplementary Response to Submissions;

(d) in accordance with the approved plans in the table below:

Concept Proposal Architectural Plans prepared by DWP Architects-Munns Sly Moore Architects			
Dwg No.	Rev	Name of Plan	Date
MP004	10	Site Plan	10/03/2020
AA0004	D	CONCEPT PROPOSAL SITE PLAN	01/09/2021
MP013	4	Road widening works (Munns Sly Moore drawing)	3/10/2019
MP101	7	Envelope Diagram Site Plan	10/03/2020
AA0101	D	CONCEPT PROPOSAL DIAGRAM - SITE PLAN	01/09/2021
MP102	6	Envelope Diagram Elevations	3/10/2019
AA0102	D	CONCEPT PROPOSAL DIAGRAM - ELEVATIONS	01/09/2021
MP103	6	Envelope Diagram Sections	3/10/2019
AA0103	D	CONCEPT PROPOSAL DIAGRAM - SECTIONS	01/09/2021
Concept Proposal Landscape Plans prepared by Umbaco Architects			

Concept Proposal Architectural Plans prepared by DWP Architects Munns Sly Moore Architects			
Dwg No.	Rev	Name of Plan	Date
Dwg No.	Rev	Name of Plan	Date
L-MP03	J 5	Landscape Masterplan	March 2020 7/4/2021
L-MP04	J 5	Piazza and Public Spaces	March 2020 7/4/2021
L-MP05	J 5	Play and Outdoor Learning	March 2020 7/4/2021
L-MP06	J 5	Fitness and Sports Fields	March 2020 7/4/2021
L-MP07	J 5	Site Tree Planting Plan Arrangement	March 2020 7/4/2021
L-MP08	J 5	Proposed Plant Species	March 2020 7/4/2021
L-MP09	J 5	Proposed Planting Scheme	March 2020 7/4/2021

SCHEDULE 3 CONDITIONS OF CONSENT FOR STAGE 1 WORKS

PART A ADMINISTRATIVE CONDITIONS

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, Response to Submissions and supplementary Response to Submissions;
- (d) in accordance with the approved plans in the table below:

Detailed Proposal Architectural Plans prepared by Munns Sly Moore Architects DWP Architects			
Dwg No.	Rev	Name of Plan	Date

DA005	15	Site Plan	10/03/2020
AA005	P		01/09/2021
DA006	5	Car and Bicycle Parking Plan	10/03/2020
AA006	H		01/09/2021
DA051	8	Proposal Staging	10/03/2020
AA051	E	Staging 3D view	20/09/2021
DA052	7	Stage 1 Plan	11/03/2020
AA052	J		01/12/2021
DA053	7	Stage 2 Plan	11/03/2020
AA053	J		1/12/2021
DA054	8	Stage 3 Plan	11/03/2020
AA054	H		1/12/2021
DA055	8	Stage 4 Plan	11/03/2020
AA055	G		1/12/2021
DA056	8	Stage 5 Plan	11/03/2020
DA057	8	Stage 6 Plan	11/03/2020
DA059	2	Detailed Proposal all stages	10/03/2020
AA0058	N	All stages	1/12/2021
DA060	2	Detailed proposal fencing plan	10/03/2020
AA060	J	Fencing Plan	01/09/2021
DA101	9	Site Demolition Plan (Munns Sly Moore drawing)	3/10/2019
DA102	17	Site Plan — Lower Ground	10/03/2020
DA103	16	Site Plan — Ground	10/03/2020
DA104	17	Site Plan — Level 1	10/03/2020
DA105	17	Site Plan — Level 2	10/03/2020

DA106	14	Site Plan – Roof Plan	10/03/2020
DA111	12	Hub Building – Floor Plan – Lower Ground	19/02/2020
AA1120	K		01/09/2021
DA112	14	Hub Building – Floor Plan – Ground	19/02/2020
AA1121	L		01/09/2021
DA113	14	Hub Building – Floor Plan – Level 1	19/02/2020
AA1122	L		01/09/2021
DA114	13	Hub Building – Floor Plan – Level 2	19/02/2020
AA1123	L		01/09/2021
DA115	11	Hub Building – Floor Plan – Roof Plan	19/02/2020
AA1124	L		01/09/2021
DA116	11	Hall – Floor Plan	10/03/2020
AA1250	F	General Arrangement Plan – Hall – Ground Floor	01/09/2021
DA117	7	Hall – Roof Plan	10/03/2020
AA1251	F	General Arrangement Plan – Hall – Roof	01/09/2021
DA118	7	Child Care centre – Floor Plan	3/10/2019
AA2000	H	Building Elevations	01/09/2021
DA201	14	Site Elevations	25/03/2020
AA2001	D	Building Elevations	01/09/2021
DA211	12	Hub Buildings – Elevations	25/03/2020
DA212	10	Hall Building – Elevations	25/03/2020
AA2070	E	Building Elevations – Hall	01/09/2021
DA213	8	Childcare Centre – Elevations	10/03/2020
AA2100	F	Site Elevations	01/09/2021
AA3000	H	Building Sections	01/09/2021

AA3070	E	Building Sections – Hall	01/09/2021
DA304	13	Site Sections	25/03/2020
AA3100	F		01/09/2021
DA311	8	Hub Building – Sections	25/03/2020
DA312	7	Hall Building – Sections	25/03/2020
DA313	7	Childcare Centre – Sections	25/03/2020
DA502	2	Detailed Proposal façade concept	10/03/2020
DA904	10	External Finishes and Schedule	3/10/2019
AA6800	E	Façade Concept	01/09/2021
AA9000	H	3D Site view	01/09/2021
Stage 1 Landscape Plans prepared by Umbaco Architects			
Dwg No.	Rev	Name of Plan	Date
L-MP10	J	Staging and Shading Diagram	March 2020
	5		7 April 2021
L-MP11	J	Staging and Shading Diagram	March 2020

(a)

Limits of Consent

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

A6. The Stage 1 of the consent does not permit any works other than remediation and temporary landscaping or school uses within the areas designated for future stages on Staging Plan DA059 Revision 2 dated 10/03/2020. DA058 Revision J 10/11/2021

Staging

A10. This Stage 1 project may be constructed and operated in sub-stages, generally in accordance with staging plan DA059 Revision 2 dated 10/03/2020. DA058 Revision J 10/11/2021

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Modification to Plans

B1. Prior to the issue of a construction certificate for construction phase 4 construction phase 6 as identified in Drawing Number-AA0055 Rev F dated 22/09/2021 Rev 2 dated 10/03/2020, the Applicant must submit amended plans to the satisfaction of the Certifier to:

- (a) demonstrate that the roofline of the indoor recreation centre achieves a setback of at

least 5m from the main new boundary with Fourth Avenue (i.e. with the exception of any splayed part of the boundary line and following revisions to the boundary line required for road widening); and

- (b) provide additional openings / windows at the ground level of the Eleventh Avenue façade (northern façade) to provide additional activation of the façade. As a minimum, three new openings should be provided including: adjacent to the two stairwells and adjacent to the central entrance to the storage rooms.

B2. Prior to the issue of a construction certificate for a relevant construction phase, the Applicant must submit to the satisfaction of the Certifier, amended plans which demonstrate all roofing is light grey (Colourbond 'Shale Grey' or lighter colour).

Stormwater Management System

B6. Prior to the issue of a construction certificate for a relevant construction phase (not including demolition works), the Applicant must prepare detailed plans for an operational stormwater management system for that stage of the development and submit to the Certifier for approval. The plans must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the following plans:

Stage 1 Civil Works Plan prepared by Warren Smith and Partners Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
C6.02	4	Stormwater layout plan Sheet 1	28/02/2020
C6.03	2	Stormwater layout plan Sheet 1	28/02/2020
C6.04	3	Pit schedule Sheet 1	01/07/2019
C6.05	3	Pit schedule Sheet 2	01/07/2019
C6.06	3	OSD Tank 1 Stage 3A plan	01/07/2019
C6.07	3	OSD Tank 1 Stage 3A sections	01/07/2019
C6.08	2	OSD Tank 2 Stage 3B plan	01/07/2019
C6.09	2	OSD Tank 1 Stage 3A sections	01/07/2019
C6.10	3	Stormwater drainage details	01/07/2019
C6.11	3	Stormwater treatment details	01/07/2019

Civil Works Plans prepared by Warren Smith and Partners Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
C1.01	4	Cover Sheet	7/4/2021
C1.02	2	Specification Notes	19/3/2021
C1.03	1	Existing Survey	1/4/2021
C2.01	3	Sediment and Erosion Control Plan	1/4/2021
C2.02	2	Sediment and Erosion Control Details	19/3/2021
C3.01	3	Bulk Earthworks Plan	1/4/2021
C4.01	4	Bulk Earthworks Cut and Fill Plan	7/4/2021
C4.02	4	Siteworks Plan Retaining wall plan	7/4/2021

C6.01	4	Stormwater Key Plan	7/4/2021
C6.02	5	Stormwater layout plan Sheet 1	7/4/2021
C6.03	5	Stormwater layout plan Sheet 2	7/4/2021
C6.04	3	Stormwater Pit schedule Sheet 1	1/4/2021
C6.05	3	Stormwater Pit schedule Sheet 2	1/4/2021
C6.06	2	OSD Tank 5 details	19/3/2021
C6.10	3	Stormwater drainage details	1/4/2021
C6.11	2	Ocean Protect Treatment Device Typical Details	19/3/2021

- (c) be consistent with the figures supporting the Flood Assessment Report prepared by GRC Hydro dated ~~October 2019~~; **22 June 2021**
- (d) include temporary on-site detention (OSD) where needed in the interim construction phases, prior to the delivery of the permanent OSD tanks to limit the post-development flow to pre-development condition for up to the 1% Annual exceedance probability (AEP) storm event;
- (e) be in accordance with applicable Australian Standards;
- (f) 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;
- (g) incorporate the stormwater quality treatment measures (such as stormwater filtration cartridges) as listed in condition B6(b);
- (h) include temporary stormwater treatment devices in conjunction with the temporary OSD tanks (as required by B6(d) to ensure that stormwater runoff leaving the site at all times complies with Council's targets for post-development stormwater pollutant loads;
- (i) include evidence such as Music Modelling and Music Link Certificate to demonstrate that the stormwater water quality control devices comply with Council's targets for post-development stormwater pollutant loads (including the temporary treatment devices); and
- (j) include details of a rainwater reuse / harvesting system for the development including a rainwater re-use plan, prepared and certified by an experienced hydraulic engineer.

Operational Car Parking, Service Vehicle, Bicycle Parking layout and End-of-trip facilities

B8. The construction certificate plans for the relevant construction phase must demonstrate compliance with the following requirements and be submitted to the satisfaction of the Certifier:

- (a) all vehicles are able to enter and leave the Site in a forward direction;
- (b) the swept path of the longest vehicle entering and exiting the car parking areas is in accordance with latest version of AS 2890.2;
- (c) the layout, and design of all on-site car parking and drop-off and pick-up spaces must comply with latest versions of AS2890.1 and AS 2890.6 (for disabled parking spaces);
- (d) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (e) end-of-trip facilities for staff are provided within the Site;
- (f) appropriate pedestrian and cyclist advisory signs are provided in accordance with the 'Signage and Line marking Plans – C7.02 - C7.05 (Rev 1)' dated 28/02/2020; and
- (g) the total number of on-site car parking spaces, drop-off and pick-up spaces and bicycle parking spaces for use during operation of the development, provided in accordance with

the Table below:

Table 1: Provision of on-site car parking and drop-off and pick-up spaces

Construction Phase	Total Student population	Total Staff numbers	Total Number of on-site car spaces	Total on-site drop-off / pick-up spaces	Total on-site bicycle spaces
Phase 1	294	27	33 (existing)	0	10
Phase 2	659	60	72	15	10
Phase 3	1088	100	177	39	30
Phase 4	1485	135	227	76	90
Phase 5	1635 + 125 childcare places	150	326	112	180
Phase 6	2280 + 125 childcare places	200	326	125	180

	Total student population	Total staff numbers	Total number of on site car spaces	Total drop off / pick up spaces	Total on site bicycle spaces
Existing	360	27	28	0	0
Phase 1	975	40	202	90	20
Phase 2	1300	100	202	90	20
Phase 3	2405	200	326	125	170
Phase 4	2405	200	326	125	180

Childcare centre Planning Guideline

B9. Prior to the issue of a construction certificate for construction phase-5 **3B** detailed plans and documentation must be prepared, demonstrating full compliance with all applicable controls and requirements of the 'Child Care Planning Guidelines' dated August 2017 and prepared by NSW Planning and Environment as they apply to the proposed Childcare Centre. The detailed plans must include the following details:

- delineation of functional areas.
- provision of a minimum 406.25m² of unencumbered indoor play area;
- provision of a minimum of 1900m² of unencumbered outdoor play area; and
- provision of administrative areas, cot rooms and nappy change areas.
- The plans and documentation must be certified by a suitably qualified expert and submitter to the satisfaction of the Certifier. A copy of the plans and documentation must be submitted to the Planning Secretary for information.

B12. Prior to the issue of the construction certificate for the roadworks in ~~Stage 3~~, **Construction**

Phase 2 the Applicant must submit the following design plans to the satisfaction of Council or TfNSW (RMS)) and provide a copy of the approved documents to the Certifier for information:

- (a) details of road widening works to Tenth Avenue, Eleventh Avenue and Fourth Avenue, including bus bays generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd and submitted with this application (as amended by conditions of this consent);
- (b) details of full width road widening for Tenth Avenue and Fourth Avenue along the length of the site boundaries. The design plans must include details of full width of the reserve, the four-lane carriageway and footpaths / shared paths on both sides;
- (c) replacement of existing line marking / stop - go signage at Fourth / Tenth and Fourth / Eleventh Avenue intersections with new roundabouts generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd, submitted with this application;
- (d) details of line marking and signage generally in accordance with the conceptual civil works plans prepared by Warren Smith and Partners Pty Ltd (submitted with this application) and in accordance with Austroads Road Design Guide;
- (e) design and engineering plans (for the road widening and roundabouts), details of swept path, line marking and signage for roadworks prepared in accordance with Council's Design Guidelines and Construction Specification for Civil Works and Austroads Road Design Guide;
- (f) details of marked pedestrian crossings (including raised wombat crossings where warranted) adjacent to or near the main pedestrian and cyclist entry points to the school.

Civil works plans and details are to include appropriate provision to facilitate pedestrian movements at or near the roundabout intersections and across school access driveways as necessary.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Operational Noise – Design of Mechanical Plant and Equipment

C29. Prior to installation of mechanical plant and equipment for a relevant stage, the Applicant must incorporate the noise mitigation recommendations in the ~~(SSDA 8865) (Project No. 180123, Revision J) prepared by JHA dated 19 March 2020.~~ **Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J) prepared by JHA dated 31 March 2021**, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J) prepared by JHA dated 19 March 2020. **Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J) prepared by JHA dated 31 March 2021**

PART E PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / COMMENCEMENT OF OPERATION

Roadworks, Access and pedestrian infrastructure

E10. Prior to the commencement of operation of construction phase 3 or the school student numbers reaching ~~4088~~ **975** (whichever occurs earlier), the following roadworks required by this development consent must be completed to the satisfaction of the Certifier. The roadworks must include:

- ~~(a) construction of the two roundabouts at the intersection of Fourth / Tenth Avenues and Fourth / Eleventh Avenues with signage and line marking;~~
- (a) construction of full width of the road reserve for Eleventh Avenue with the required footpaths,

shared cyclist / pedestrian paths, signage and line marking;

(b) construction of full width of road reserve for Tenth and Fourth Avenues with the required footpaths, signage and line marking works; and

(c) construction of all associated vehicular crossings / access points to the site; and

(d) construction of pedestrian crossings (either Wombat crossing or any other interim crossing as permitted by the warrants and approved by the relevant roads authority) with associated signage and line marking.

The Applicant must obtain approval for the works under section 138 of the Roads Act 1993, where required prior to completion of the above roadworks.

E10A. Prior to the school student numbers reaching 1,300 or Year 2025 (whichever occurs earlier), the two roundabouts at the intersection of Fourth/Tenth Avenue and Fourth/Eleventh Avenues with signage and line markings must be completed to the satisfaction of the Certifier.

The Applicant must obtain approval for the works under section 138 of the Roads Act 1993, where required prior to completion of the above roadworks.

Operational Management Plan

E21. Prior to the commencement of operation of construction phase 1, the Applicant must prepare an Operational Management Plan (OMP) for the school. The plan must include (as relevant to the works undertaken in a particular construction phase):

- (a) measures to ensure all wayfinding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
- (b) the operating hours of the school, the Out-of-hours care (OOSH) and the childcare centre (after being constructed and operational);
- (c) details of the community use of the school facilities and the hours of such use (when such facilities are delivered);
- (d) proposed mitigation measures to maintain the security and safety of the school when community use of school facilities occur;
- (e) details of use of the café outside of school hours and the associated access control measures;
- (f) measures to manage the use and access to recreation areas, including any staggered play times (for using the outdoor playing fields) for the Years and age groups with details of the programme of use;
- (g) details of all out-of-hours events and measures to manage these events and mitigate against any potential adverse impacts on the security of the school due to these events;
- (h) details of times when the waste collection vehicles would access the site (both AM and PM);
- (i) include an Emergency Management Plan per conditions Schedule 3 E19 and E20;
- (j) include measures to manage operational noise impacts, particularly from outdoor playground and recreational areas, to ensure the use of the development does not result in exceedances of the project noise trigger levels in accordance with the report titled Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J) prepared by JHA dated 19 March 2020; Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J) prepared by JHA dated 31 March 2021

Operational Noise – Design of Mechanical Plant and Equipment

E27. Prior to the commencement of operation of each construction phase, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J)* prepared by JHA dated 19 March 2020 *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J)* prepared by JHA dated 31 March 2021 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment.

School Zones

E45. Prior to the commencement of operation of the relevant construction phase, all required School Zone signage, speed management signage and associated pavement markings along *Fourth Avenue, Tenth Avenue and Eleventh Avenue* future Fontana Drive, future Road B and Red Gables Road must be installed, inspected by TfNSW (RMS) and handed over to TfNSW (RMS).

Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

Swimming Pool

~~E50. Prior to the commencement of operation of the swimming pool, documents must be submitted to the satisfaction of the Certifier demonstrating compliance with Public Health Act 2010 and Public Health Regulation 2012 requirements (having regard to the disinfection and filtration systems). Where needed, a suitably qualified expert must certify that the swimming pool complies with the relevant standards.~~

~~E51. Prior to the commencement of operation of the swimming pool, Council must be notified of the existence of the pool to allow for regular routine inspections by the Council officers.~~

Operational Noise Limit

F9. The Applicant must ensure that noise generated by the development do not exceed the Site-specific noise criteria as established in *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J)* prepared by JHA dated 19 March 2020. *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J)* prepared by JHA dated 31 March 2021

F10. The Applicant must undertake short term noise monitoring in accordance with the EPA Noise Policy for Industry within three months of commencement of the first out of school hours event within the indoor recreation centre, the outdoor play fields and the childcare centre. The short term attended noise monitoring must occur for a period of three months to verify that:

- (a) operational noise levels from plant and machinery installed in this building do not exceed the recommended noise levels for mechanical plant identified in the *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J)* prepared by JHA dated 19 March 2020; and *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J)* prepared by JHA dated 31 March 2021
- (b) operational noise levels from the use of the indoor recreation centre, including evening and night time uses (as defined by the Noise Policy for Industry) and the use of the play fields (including evening use and weekend use) do not exceed the recommended Noise and Vibration Impact Assessment report for *(SSDA 8865) (Project No. 180123, Revision J)* prepared by JHA dated 19 March 2020; and *Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J)* prepared by JHA dated 31 March 2021
- (c) operational noise levels from the childcare centre do not exceed the recommended Site-specific noise criteria at the sensitive noise receivers identified in the Noise and Vibration



Impact Assessment report for ~~(SSDA 8865) (Project No. 180123, Revision J) prepared by JHA dated 19 March 2020~~. **Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J) prepared by JHA dated 31 March 2021**

F11. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary at the end of the three months.

F12. Should the noise monitoring program identify any exceedance of the recommended noise levels in the ~~Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 180123, Revision J) prepared by JHA dated 19 March 2020~~, **Noise and Vibration Impact Assessment report for (SSDA 8865) (Project No. 200489, Revision J) prepared by JHA dated 31 March 2021** the Applicant must implement appropriate noise attenuation measures, so that operational noise levels do not exceed therecommended noise levels or provide alternate attenuation measures at the affected noise sensitive receivers.