Modification of Development Consent

Section 4.55(2) of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Karen Harragon Director Social and Infrastructure Assessments

Sydney 16 September 2022

SCHEDULE 1

Development consent:	SSD-11070211 granted by the Director, Regional Assessments on 18 March 2022		
For the following:	Construction and operation of a new educational facility to accommodate up to 414 students, including: construction of school buildings ranging from 1 to 2 storeys, including general and special support learning areas staff rooms and administration office hall library out of school hours care facility Iandscaping works parking, pick-up and set-down zones, bus zones waste and service vehicle access and plant areas associated works including school identification signage, pedestrian crossing infrastructure, on-site infrastructure and utilities.		
Applicant:	NSW Department of Education		
Consent Authority:	Minister for Planning		
The Land:	1-23 Forestwood Drive, Glenmore Park		
	Lot 1663, DP 1166869		
Modification:	Construction and operation of a temporary school with temporary buildings and associated structures for up to 24 months accommodating approximately 230 students and 25 staff		

SCHEDULE 2

The consent (SSD-11070211) is modified as follows:

a) Schedule 1, Development description, is amended by the deletion of **bold and struck out** words and insertion of **bold and underlined** words/numbers as follows:

Development:

<u>Staged</u> <u>C</u> onstruction and operation of a new educational facility to accommodate up to 414 students, including:

- construction of school buildings ranging from 1 to 2 storeys, including
 - o general and special support learning areas
 - staff rooms and administration office
 - o hall

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- o library
- o out of school hours care facility
- landscaping works
- parking, pick-up and set-down zones, bus zones
- waste and service vehicle access and plant areas
- associated works including school identification signage, pedestrian crossing infrastructure, on-site infrastructure and utilities
- <u>construction of temporary buildings and</u>
 <u>associated works</u>
- o <u>occupation of temporary and permanent building</u> <u>to operate a temporary school for up to 24 months</u> <u>to accommodate up to 230 students.</u>
- b) Schedule 1, Definitions table, is amended by the insertion of <u>bold and underlined</u> words as follows:

Management and mitigation measures	The management and mitigation measures set out in Section 9 of the EIS <u>and in the Modification Report (SSD-11070211 Mod 1)</u> prepared by RPS and dated 8 July and RtS prepared RPS and <u>dated 12 August 2022</u>
<u>Phase 1</u>	Construction within areas of buildings and works, as set out in in the Phasing and Staging Plan (SSD-11070211 Mod 1) prepared by Department of Education and dated 9 September 2022
<u>Phase 2</u>	Ongoing construction of select buildings and work associated works within that area as set out in in the Phasing and Staging Plan (SSD-11070211 Mod 1) prepared by Department of Education and dated 9 September 2022, in relation to the delivery of the permanent school approved in the original SSD 1107211. Concurrent operation of a temporary school to cater for approximately 230 students and 25 staff using select permanent buildings and facilities, and all temporary buildings, as set out in in the Phasing and Staging Plan (SSD-11070211 Mod 1) prepared by Department of Education and dated 9 September 2022.

Phase 3	Operation of the permanent school and its facilities to cater for
	approximately 414 students and 27 staff as approved in the
	original SSD 11070211 and as set out in in the Phasing and
	Staging Plan (SSD-11070211 Mod 1) prepared by Department of
	Education and dated 9 September 2022. Demolition/removal of
	the temporary buildings and associated structures related to the
	temporary school.
Final Phase	Operation of the permanent school and its facilities to cater for
	approximately 414 students and 27 staff as approved in the
	original SSD 11070211 and as set out in in the Phasing and
	Staging Plan (SSD-11070211 Mod 1) prepared by Department of

Registered Engineer Engineer registered under the National Engineering Register, Engineers Australia

Education and dated 9 September 2022

c) Schedule 2 Part A – Administrative Conditions, Conditions A2, A9, A10, A11 and A12 are amended by the deletion of the **bold and struck out** words/numbers and/or the insertion of the **bold and underlined** words/numbers, and new Conditions A5A and A19A are inserted, as follows:

Terms of Consent

A2. The development may only be carried out:

- a) In compliance with the conditions of this consent;
- b) In accordance with all written directions of the Planning Secretary;
- c) generally in accordance with the EIS, and Response to Submissions <u>and</u> <u>modification application SSD-11070211 Mod 1</u>;
- d) in accordance with the approved plans in the table below:

Architectural Plans prepared by NBRS Architecture					
Dwg No.	Rev	Name of Plan	Date		
20415-NBRS-DR-A-	11 12	Site Plan	12.11.21		
SSDA-0110			07.07.22		
20415-NBRS-DR-A-	08	Site Access and Security Plan	12.11.21		
SSDA-0113					
20415-NBRS-DR-A-	05	Site Sections	11.11.21		
SSDA-0115					
20415-NBRS-DR-A-	02	Public Domain Scope of Works	12.11.21		
SSDA-0120					
20415-NBRS-DR-A-	04	Car Park Plan	11.11.21		
SSDA-0999					
20415-NBRS-DR-A-	10	Overall Ground Floor Plan	12.11.21		
SSDA-1000					
20415-NBRS-DR-A-	09	Overall L1 Plan	11.11.21		
SSDA-1001					
20415-NBRS-DR-A-	08	Overall Roof Plan	11.11.21		
SSDA-1002					
20415-NBRS-DR-A-	05	Block A – GF Plan	11.11.21		
SSDA-1011					
20415-NBRS-DR-A-	06	Block B3 – GF Plan	11.11.21		
SSDA-1012					
20415-NBRS-DR-A-	05	Block B2 – GF Plan	11.11.21		
SSDA-1013					

0-		4444
05	Block C – GF Plan	11./11.21
05	Block A – Level 1 Plan	11.11.21
05	Block B3 – Level 1 Plan	11.11.21
05	Block B2 – Level 1 Plan	11.11.21
07	Site Elevations	15.11.21
07	Building A Elevations	15.11.21
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07	Building B3 Elevations	15.11.21
07	Building B2 Elevations	15.11.21
07	Building C Elevations	15.11.21
05	Building A - Sections	11.11.21
05	Building - Sections	11.11.21
05	Building – Detail Sections	11.11.21
02	Signage	06.08.21
05	External Finishes	11.11.21
09	Temporary School - Site Plan and	07.07.22
01		07.07.22
01	Temporary School - Roof Plan	07.07.22
01	Temporary School - Elevations	07.07.22
01	Temporary School - Sections	07.07.22
01	Forestwood Drive Setback Plan	09.08.22
	y NBRS Architecture Landscape	
red b		Date
red b Rev	y <i>NBRS Architecture Landscape</i> Name of Plan	Date
red b Rev 06	y NBRS Architecture Landscape Name of Plan Vision	Date 17.12.21
red b Rev 06	y NBRS Architecture Landscape Name of Plan Vision Design Approach	Date 17.12.21 17.12.21
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red b Rev 06 06 06 06 06 06 06 06 06	y NBRS Architecture Landscape Name of Plan Vision Design Approach Framework Diagram Landscape Site Diagram Detailed Plan 1 Detailed Plan 2 Materials Palette Planting Palette Planting Zone	Date 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21 17.12.21
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L-SSDA- 015	06	Landscape Sections (Section 5)	17.12.21			
L-SSDA- 016	06	Landscape Sections (Section 6)	17.12.21			
Civil Plans prepared by <i>Woolacotts</i>						
Dwg No.	Rev	Name of Plan	Date			
SC1	03	Schematic Civil Works Design	22.07.21			
SC2	02	Erosion and Sediment Control Plan -	05.05.21			
		Stage 1				
Anchorage Details drafted by <i>J. Baggs</i>						
Dwg No.	Rev	Name of Plan	Date			
ED19-062	0	Various Schools Demountable	20.12.19			
		Buildings – Anchorage Details				
Staging Plan prepared by Department Education						
Dwg No.	Rev	Name of Plan	Date			
1	1	Phasing and Staging Plan	09.09.22			

Limits of Consent

A5A. Unless otherwise agreed by the Planning Secretary, the occupation of the temporary school in Phase 2 must not exceed a period of more than 24 months from the commencement of operation of the temporary school.

Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted <u>to</u> <u>the Certifier for each stage before the commencement of any part of a Phase. In</u> <u>relation to Phase 1, the Staging Report must be submitted for all Stages of Phase 1</u> <u>before the commencement of Construction of Stage 1B of Phase 1</u>. <u>to the</u> <u>satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the first of the commencement of operation of the first of the proposed stages of construction of the first of the proposed stages of construction of the first of the proposed stages of construction of the first of the proposed stages of construction of construction of the first of the proposed stages of construction of the first of the proposed stages of construction of the first of the proposed stages of construction </u>
- A10. A Staging Report prepared in accordance with condition A9 must:
 - (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; **and**
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging-<u>;</u>
 - (e) specify how compliance with independent auditing requirements will be achieved across and between each of the stages within each Phase of the project; and
 - (f) <u>confirm that the following works will be completed prior to the operation of the</u> <u>temporary school in Phase 2 (including but not limited to):</u>

- (i) <u>connection of the on-site stormwater to the approved Council stormwater</u> <u>drainage discharge point;</u>
- (ii) <u>car parking, emergency vehicle access, waste storage areas and</u> additional temporary bicycle parking and end of trip facilities;
- (iii) pedestrian infrastructure, public domain and road works approved under this consent including but not limited to pick-up and set-down zones, zebra crossings, bus stop relocation / bus zones and school zones;
- (iv) turfing of the temporary play space;
- (v) temporary signage; and
- (vi) erection of fencing surrounding the temporary school to separate it from any construction area/s.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary. The project must be staged as set out in the approved Phasing and Staging Plan (SSD-11070211 Mod 1) prepared by Department of Education and dated 9 September 2022.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for each stage as identified in the Staging Report.

External Materials

- A19A. The external colours, materials and finishes of the temporary buildings/structures in Stage 1 must comply with the following requirements:
 - (a) metal components must be low reflective;
 - (b) temporary buildings/structures which are visible from the public domain must comprise of neutral, natural and/or muted colours; and
 - (c) use of bright colours which are visible from the public domain must be approved by the Planning Secretary:
 - (i) prior to the construction of the temporary building/structure (if it is prefabricated in the bright colour/s); or
 - (ii) prior to the installation of the external bright colour (if it is proposed to added after the building/structure is constructed).
- d) Schedule 2 Part B Prior to Commencement of Construction, Conditions B13, B15 and B16 are amended by the deletion of the **bold and struck out** words and/or the insertion of the **bold and underlined** words/numbers as follows:

Environmental Management Plan Requirements

B13. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020) <u>and must address the specific requirements of relevant stages within each Phase as set out in the Phasing and Staging Plan (SSD-11070211 Mod 1) prepared by Department of Education and dated 9 September 2022 and submitted to the Certifier and a copy provided to the Planning Secretary for information before that Phase commences. In relation to Phase 1, the relevant Management Plans must be updated and submitted to the Certifier and copy provided to the Planning Secretary for information before Stage 1B of Phase 1 commences.</u>

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

Note:

Construction Environmental Management Plan

- B15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
 - (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail:
 - measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
 - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
 - (iii) heavy vehicle routes, access and parking arrangements;
 - (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2;
 - (v) construction vehicle volumes during stages of works and measures to reduce parking impacts on local streets; and
 - (vi) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s)-;
 - (vii) safety measures relating to an additional construction vehicle access point off Forestwood Drive for the construction of the temporary school in Phase 1;
 - (viii) measures to ensure construction vehicle movements are outside drop-off and pick-up times for the operation of the temporary school in Phase 2; and
 - (ix) which intersections adjoining the site require supervision by accredited traffic controller(s) to ensure conflict between pedestrians, vehicles and construction work is safely managed.
- B16. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
 - (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B16(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; **and**
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B13-; and

(h) include the recommendations contained in the Supplementary Acoustic Advice prepared by Pulse White Noise Acoustics, dated 29 June 2022 and submitted with SSD-11070211 Mod 1.

 e) Schedule 2 Part C – During Construction, Condition C37 is amended by the insertion of the bold and underlined words/numbers as follows:

Independent Environmental Audit

- C37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements. <u>In relation to initial independent audit must take place:</u>
 - (a) following operation of the temporary school under Phase 2;
 - (b) <u>following commencement of operation of the permanent school under Phase 3;</u> <u>and</u>
 - (c) <u>at a frequency specified under the Independent Audit Post Approval</u> <u>Requirements.</u>
- f) Schedule 2 Part D Prior to Commencement of Operation, Conditions D24, D29 and D33, are amended by the deletion of the **bold and struck out words** and/or the insertion of the **bold** <u>and underlined</u> words and new Conditions D34, D35, D36 and D37 are inserted, as follows:

School Transport Plan

- D24. Prior to the commencement of operation <u>of each operational Stage in Phase 2 and 3</u>, a School Transport Plan (STP), must be submitted to, and approved by the Planning Secretary. The plan must:
 - (a) be prepared by a suitably qualified consultant in consultation with Council and TfNSW;
 - (b) include arrangements to promote the use of active and sustainable transport modes, including:
 - (i) objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation);
 - (ii) specific tools and actions to help achieve the objectives and mode share targets;
 - (iii) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.
 - (c) include operational transport access management arrangements, including:
 - detailed pedestrian analysis including the identification of safe route options to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;
 - (ii) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
 - (iii) the location and operational management procedures of the drop-off and pick-up parking, including staff management/traffic controller arrangements;
 - (iv) the location and operational management procedures for the drop-off and pickup of students by buses and coaches including staff management/traffic controller arrangements;
 - (v) delivery and services vehicle and bus access and management arrangements;
 - (vi) management of approved access arrangements;

- (vii) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up zones;
- (viii) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the plan; and
- (e) include a program for ongoing monitoring and review of the STP during operation. The program must include a review following 18 months of operation. This review must be provided to the Planning Secretary for information upon completion. If the review following 18 months of operation identifies that the mode share targets proposed in the documents in condition A2(c) have not been achieved, the STP must be revised and resubmitted to the satisfaction of the Planning Secretary within 6 months.

Operational Waste Management Plan

- D29. Prior to the commencement of <u>any</u> operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
 - a) detail the type and quantity of waste to be generated during operation of the development;
 - b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - c) detail the materials to be reused or recycled, either on or off site; and
 - d) include the Management and Mitigation Measures included in the Operational Waste Management Plan – The New Primary School at Mulgoa Rise, prepared by EcCell dated 15/08/21, submitted with the EIS-; and
 - e) include the Management and Mitigation Measures included in the Operational Waste Management Plan – The New Primary School at Mulgoa Rise, Temporary Facilities, prepared by EcCell and dated 30/06/2022.

Operational Flood Emergency Management Plan

- D33. Prior the commencement of the operation <u>of each operation Stage of Phase 2 and 3</u>, an Operational Flood Emergency Management Plan <u>must be submitted to the Certifier that:</u> (OFEMP) must be prepared by the Applicant and submitted to the Certifier. The OFEMP must be implemented and must:
 - (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the Floodplain Risk Management Guidelines (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for the operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and

(vi) awareness training for employees and contractors, and visitors.

- (a) has been prepared by a suitably qualified and experienced person(s);
- (b) has been prepared in consultation with NSW State Emergency Service noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;

- (c) incorporates and complies with all advice provided by NSW State Emergency Service at D33(b);
- (d) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);
- (e) incorporates the following:
 - (i) the flood emergency management protocols for operational phase of the development;
 - (ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students and visitors;
 - (iii) details strategies such as early or pre-emptive school closure, and other management requirements where relevant and where consistent with SES advice;
 - (iv) provides clear emergency management triggers and responses;
 - (v) details of flood warning time and flood notification;
 - (vi) details assembly points and flood free routes where required;
 - (vii) identifies clear roles and responsibilities for emergency flood management within the school;
- (viii) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed
- (ix) provide clear messaging and communication protocols;
- (x) includes clear requirements that the Plan be regularly reviewed; and
- (f) include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.
- <u>D34.</u> <u>A copy of the Operational Flood Emergency Management Plan (required by</u> <u>condition D33) must be provided to the Planning Secretary for information.</u>

Stormwater Connection

D35. Prior to the commencement of operation of Phase 2 and 3, all on-site stormwater drainage must be directed to the approved stormwater discharge location/s, as designed in accordance with condition C26.

Structural Certification of Temporary Buildings

D36. Prior to the commencement of operation of Phase 2, certification from a Registered Engineer must be submitted to the satisfaction of the Certifier, certifying that any building and supporting structure/s (including temporary buildings) subject to overland flooding, are constructed in accordance with Australian Building Codes Board – Construction of buildings in flood hazards (ABCB Standard 2012.30).

Street Tree Replacement

- D37. Once use of the construction access on Forestwood Drive ceases, the street tree approved for removal (as shown on drawing No. 20415-NBRS-DW-AR-SSDA-0125 in Condition A2) must be replaced with a tree species of similar size as the existing street trees along Forestwood Drive and as agreed to by Council.
- g) Schedule 2 Part E Post Occupation, Condition E8 is amended by the deletion of the bold and struck out words and/or the insertion of the bold and underlined words/numbers and new Conditions E8A, E8B and E15 are inserted, as follows:

Operational Noise Limits

- E8. The Applicant must ensure that noise generated by operation **of** <u>in</u> the <u>Final Phase of the</u> development does not exceed the noise limits in the updated New Primary School in Mulgoa Rise, Review of Environmental Factors Noise & Vibration Assessment Report prepared by Pulse White Noise Acoustics dated 2 November 2021.
- E8A. Prior to the operation of the temporary school in Phase 2, the New Primary School in Mulgoa Rise, MODs Acoustic Impact Assessment Report prepared by Pulse White Noise Acoustics and dated 29 June 2022 must be updated to:
 - (a) assess the noise impact/s of the adjoining Stage 2 construction works on all areas within the temporary school proposed for informal or formal teaching, including but not limited to the hall, covered outdoor learning area and sports court located within Stage 1A area and the new buildings in Stage 1B; and
 - (b) <u>undertake detailed noise testing at adjoining and nearby sensitive premises</u> <u>ensuring the temporary school can operate within the noise limits identified</u> <u>within the Acoustic Impact Assessment Report.</u>
- E8B. The Applicant must ensure that noise generated by operation of the temporary school in Phase 2 does not exceed the noise limits in the New Primary School in Mulgoa Rise, MODs Acoustic Impact Assessment Report prepared by Pulse White Noise Acoustics and dated 29 June 2022 or as amended under Condition E8A.

Landscaping

E15. Once operation of the temporary school within Stage 1A has ceased, as required under condition A5A, the demountable buildings within Stage 1A are to be removed from the site and the land is to be landscaped in accordance with the landscape plans under condition A2.

End of modification (SSD 11070211 MOD 1)