

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



Navdeep Shergill  
**A/Team Leader**  
**Social Infrastructure Assessments**

Sydney

18 September 2024

## SCHEDULE 1

<b>Development consent:</b>	<b>SSD-41306367</b> granted by the Director, Social and Infrastructure Assessments on 16 May 2023
<b>For the following:</b>	Construction and operation of a new primary school at Gregory Hills including construction of three new buildings, landscaping and outdoor play and learning areas, parking, pedestrian infrastructure improvement, and retention of works from temporary school comprising OSD basins and hard stand waste storage area.
<b>Applicant:</b>	Department of Education
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	Lot 100, DP 1307041, 28 Wallarah Circuit, Gregory Hills
<b>Modification:</b>	SSD-41306367-MOD-3: Amendments to landscaping including relocation of the sports field further south, and the subsequent changes to earthworks, stormwater and building design.

## SCHEDULE 2

The above consent is modified as follows:

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

The Land: ~~Lot 3257 DP 1243285~~ **Lot 100 DP 1307041**, 28 Wallarah Circuit, Gregory Hills

- (b) Schedule 1, Definitions, the definition of Management and mitigation measures is amended by the insertion of **bold and underlined words/numbers** and deletion of ~~struck out words/numbers~~ as follows:

<b>Management and mitigation measures</b>	The management and mitigation measures set out in <del>Appendix C of the supplementary information to SSD-41306367-Mod-2 dated March 2024</del> <b><u>Attachment 6 Version 2 of SSD-41306367-Mod-3 dated July 2024</u></b>
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- (c) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of **bold and underlined words/numbers** and deletion of ~~struck out words/numbers~~ as follows:

### Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent; Lot 100, DP 1307041~~Lot 100, DP 1307041~~
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, Response to Submissions, and supplementary information dated 5 April 2023, SSD-41306367-Mod-1, ~~and~~ **SSD-41306367-Mod-2, and SSD-41306367-Mod-3;**
- (d) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by <i>Bennett and Trimble</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SSDA.03	<del>G</del> <b><u>H</u></b>	Site Plan - GF	<del>25/10/23</del> <b><u>26/06/24</u></b>
SSDA.04	<del>E</del> <b><u>F</u></b>	Site Plan – L1	<del>14/02/23</del> <b><u>26/06/24</u></b>
SSDA.05	<del>E</del> <b><u>F</u></b>	Site Plan – L2	<del>14/02/23</del> <b><u>26/06/24</u></b>
SSDA.06	<del>E</del> <b><u>F</u></b>	Site Plan - Roof	<del>14/02/23</del> <b><u>26/06/24</u></b>
SSDA.07	<del>D</del> <b><u>E</u></b>	GA – Ground Level	<del>14/02/23</del> <b><u>26/06/24</u></b>
SSDA.08	D	GA – Level 1	14/02/23
SSDA.09	D	GA - Level 2	14/02/23
SSDA.10	D	GA - Roof	14/02/23
SSDA.11	D	Elevations	14/02/23
SSDA.12	D	Elevations	14/02/23
SSDA.13	D	Site Sections	14/02/23

SSDA.14	D	Signage	14/02/23
SSDA.15	D	Material Schedule	14/02/23
SSDA.17	C	Temporary School Retention Plan	25/10/23
<b>Landscape Plans prepared by Taylor Brammer Landscape Architects</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
GH_LA_SSDA_1000	09 <b><u>10</u></b>	Landscape Concept Plan	31/10/23 <b><u>04/07/24</u></b>
GH_LA_SSDA_1001	09 <b><u>10</u></b>	Landscape Precedents Plan	31/10/23 <b><u>04/07/24</u></b>
GH_LA_SSDA_1002	09 <b><u>10</u></b>	Landscape Section Elevations	31/10/23 <b><u>04/07/24</u></b>
GH_LA_SSDA_1003	09 <b><u>10</u></b>	Landscape Section Elevations	31/10/23 <b><u>04/07/24</u></b>
GH_LA_SSDA_1004	09 <b><u>10</u></b>	Landscape Planting Strategy	31/10/23 <b><u>04/07/24</u></b>
GH_LA_SSDA_1005	09 <b><u>10</u></b>	Landscape Planting Strategy	31/10/23 <b><u>04/07/24</u></b>
<b>Staging Plans prepared by Lipman</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
LIP-002	G	Current Site Plan	9/11/23
LIP-003	G	Stage 1 Handover Plan	9/11/23
LIP-004	G	Stage 2 Handover Plan	9/11/23
LIP-005	G	Stage 3 Handover Plan	9/11/23
LIP-006	H	Infrastructure Works	29/02/24

- (d) Schedule 2 Part B – Prior to Commencement of Construction, Conditions B26 and B27A are amended by the insertion of **bold and underlined words/numbers** and deletion of ~~struck-out words/numbers~~ as follows:

### Retention of Trees

- B26. Retained trees are to be protected in accordance with the Tree Protection Plan (TPZ-01 Rev ~~D-E~~) prepared by Lipman and dated ~~10 March 2023~~ **1 August 2024** and the Australian Standard 4970:2009 – Protection of Trees on Development Sites. A Level 5 (Australian Qualification Framework) must be on site to supervise any works within the Tree Protection Zone of any trees to be retained.
- B27. Prior to any works commencing on site temporary Bushland Protection Fencing must be in place around the tree protection zone identified on the Tree Protection Plan (TPZ-01 Rev D) prepared by Lipman and dated 10 March 2023. The temporary protection fence is to be a minimum chain-wire fence and be suitable to restricted unauthorised entry. The temporary fence is to stop the following occurring:
- stockpiling of materials within significant bushland;
  - placement of fill within significant bushland;
  - parking of vehicles within significant bushland;
  - compaction of soil within significant bushland;
  - cement washout and other chemical or fuel contaminants within significant bushland; and

- (f) damage to threatened plants and their habitat.

**B27A. Prior to the commencement of any works associated with SSD-41306367-Mod-3, the temporary Bushland Protection Fencing (as identified in condition B27 above) must be adjusted to include the tree protection zone on the Tree Protection Plan (TPZ-01 Rev E) prepared by Lipman and dated 1 August 2024.**

- (e) Schedule 2 Part C – During Construction, Condition C19 is amended by the insertion of **bold and underlined words/numbers** and deletion of ~~struck-out words/numbers~~ as follows:

### **Tree Protection**

C19. For the duration of construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the New Primary School – Gregory Hills Arboricultural Impact Assessment Report prepared by Raintree Consulting and dated 7 October 2022, **Arboricultural Impact Assessment & Tree Protection Plan (amended landscape design including re-alignment of internal footpath) prepared by Redgum Horticultural and dated 5 August 2024** and the Tree Protection Plan (TPZ-01 Rev D **E**) prepared by Lipman dated 40 March 2023 **1 August 2024**; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

**End of modification  
(SSD-41306367 MOD 3)**