

# Modification of Development Consent

Section 4.55(2) 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.



Karen Harragon  
**Director**  
**Social and Infrastructure Assessments**

Sydney

3 May 2023

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## SCHEDULE 1

**Development consent:** **SSD-15788005** granted by the Minister for Planning on 10 August 2022

**For the following:** Construction and operation of a new educational facility 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
- landscaping works and open space improvements
- parking, pick-up and set-down zones, bus zones and loading areas
- associated works including school identification signage
- and on-site infrastructure and utilities

**Applicant:** NSW Department of Education

**Consent Authority:** Minister for Planning

**The Land:** 207 Barry Way, Jindabyne  
(Lot 101 DP1019527)

**Modification:**

Amendments including:

- four additional high school General Learning Spaces and a new one-storey building;
- external and internal design changes to approved buildings;
- new Agricultural Plot structures;
- additional stormwater infrastructure;
- additional tree retention and landscaping changes;
- reconfiguration of car parking spaces and the bus zone; and
- changes to the internal road and access road connecting to Barry Way.

## SCHEDULE 2

The consent (SSD-15788005) is modified as follows:

- (a) Schedule 2 Part A Administrative Conditions, Condition A2 and A34 are amended by the insertion of the **bold and underlined** words, and/or deletion of the ~~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;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions and Supplementary Response to Submissions;
- (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by djrd <b><u>Pedavoli Architects</u></b>			
Dwg No.	Rev	Name of Plan	Date
SSDA.0003 <b><u>3332-SSDA-003</u></b>	F <b><u>J</u></b>	Proposed Site Context Plan	03.05.24 <b><u>16.11.22</u></b>
SSDA.0005 <b><u>3332-SSDA-005</u></b>	D <b><u>H</u></b>	Demolition Plan	03.05.24 <b><u>16.11.22</u></b>
SSDA.0104 <b><u>3332-SSDA-0101</u></b>	N <b><u>R</u></b>	Proposed Site Plan	03.05.24 <b><u>16.11.22</u></b>
SSDA.0204 <b><u>3332-SSDA-0201</u></b>	L <b><u>O</u></b>	Lower Ground Floor Plan	03.05.24 <b><u>14.11.22</u></b>
SSDA.0202 <b><u>3332-SSDA-0202</u></b>	K <b><u>O</u></b>	Ground Floor Plan	03.05.24 <b><u>16.11.22</u></b>
SSDA.0203 <b><u>3332-SSDA-0203</u></b>	J <b><u>M</u></b>	First Floor Plan	03.05.24 <b><u>14.11.22</u></b>
SSDA.0204 <b><u>3332-SSDA-0204</u></b>	J <b><u>M</u></b>	Roof Plan	03.05.24 <b><u>14.11.22</u></b>
<b><u>3332-SSDA-0205</u></b>	<b><u>C</u></b>	<b><u>Primary School Ground Floor Plan</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0206</u></b>	<b><u>C</u></b>	<b><u>Primary School First Floor Plan</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0207</u></b>	<b><u>C</u></b>	<b><u>High School Lower Ground</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0208</u></b>	<b><u>C</u></b>	<b><u>High School Ground Floor Plan</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0209</u></b>	<b><u>C</u></b>	<b><u>High School First Floor Plan</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0210</u></b>	<b><u>D</u></b>	<b><u>Agricultural Plot Plan</u></b>	<b><u>16.11.22</u></b>
SSDA.0304 <b><u>3332-SSDA-0301</u></b>	E <b><u>I</u></b>	Elevations	03.05.24 <b><u>16.11.22</u></b>
SSDA.0302 <b><u>3332-SSDA-0302</u></b>	F <b><u>I</u></b>	Sections	03.05.24 <b><u>14.11.22</u></b>
SSDA.0303 <b><u>3332-SSDA-0303</u></b>	D <b><u>G</u></b>	Sections	22.06.24 <b><u>14.11.22</u></b>
SSDA.0304 <b><u>3332-SSDA-0304</u></b>	G <b><u>J</u></b>	Elevations—Plaza <b><u>Elevations- Plaza- Sheet 01</u></b>	12.03.24 <b><u>14.11.22</u></b>
SSDA.0305 <b><u>3332-SSDA-0305</u></b>	G <b><u>J</u></b>	Elevations—Plaza 2 <b><u>Elevations- Plaza- Sheet 02</u></b>	16.03.24 <b><u>14.11.22</u></b>
SSDA.0306	G	Elevations – Plaza Internal	16.03.24

<b><u>3332-SSDA-0306</u></b>	<b><u>J</u></b>		<b><u>14.11.22</u></b>
SSDA.0307	G	Primary School Elevations	12.03.21
<b><u>3332-SSDA-0307</u></b>	<b><u>J</u></b>	<b><u>Elevations- Primary School</u></b>	<b><u>14.11.22</u></b>
SSDA.0308	G	High School Elevations	12.03.21
<b><u>3332-SSDA-0308</u></b>	<b><u>J</u></b>	<b><u>Elevations- High School</u></b>	<b><u>14.11.22</u></b>
<b><u>3332-SSDA-0309</u></b>	<b><u>C</u></b>	<b><u>Elevations- Agricultural Plot</u></b>	<b><u>14.11.22</u></b>
SSDA.0401	D	Façade Detail	03.05.21
<b><u>3332-SSDA-0401</u></b>	<b><u>G</u></b>	<b><u>Section Detail</u></b>	<b><u>14.11.22</u></b>
SSDA.0402	D	Façade Detail	03.05.21
<b><u>3332-SSDA-0402</u></b>	<b><u>G</u></b>	<b><u>Section Detail</u></b>	<b><u>14.11.22</u></b>
SK0005-01	A	Agricultural Unit - Elevations	22.06.22
<b>Landscape Plans prepared by Site Image Landscape Architects <i>Taylor Branner Landscape Architects</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
SS20-4530-000	06	Landscape Cover Sheet	31.05.22
<b><u>L000</u></b>	<b><u>F</u></b>		<b><u>21.02.23</u></b>
SS20-4530-001	07	Landscape Plan—Site	31.05.22
<b><u>L100</u></b>	<b><u>F</u></b>	<b><u>Landscape: Master Plan</u></b>	<b><u>21.02.23</u></b>
SS20-4530-101	06	Landscape Plan—North	31.05.22
<b><u>L101</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-102	05	Landscape Plan—Central	16.12.21
<b><u>L102</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-103	05	Landscape Plan—South	16.12.21
<b><u>L103</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-104	05	Landscape Plan—West	18.12.21
<b><u>L104</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-601	03	Landscape Sections	11.11.21
<b><u>L105</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-602	03	Landscape Sections	11.11.21
<b><u>L106</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-603	03	Landscape Sections	11.11.21
<b><u>L107</u></b>	<b><u>E</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>15.11.22</u></b>
SS20-4530-901	03	Existing Tree Plan	31.05.22
<b><u>L108</u></b>	<b><u>F</u></b>	<b><u>Landscape: Finishes Plan</u></b>	<b><u>21.02.23</u></b>
SS20-4530-902	07	Canopy Cover Plan	31.05.22
<b><u>L200</u></b>	<b><u>E</u></b>	<b><u>Landscape: Cross-sections</u></b>	<b><u>15.11.22</u></b>
<b><u>L201</u></b>	<b><u>06</u></b>	<b><u>Landscape: Cross-sections</u></b>	<b><u>15.11.22</u></b>
<b><u>L202</u></b>	<b><u>E</u></b>	<b><u>Landscape: Cross-sections</u></b>	<b><u>15.11.22</u></b>
<b><u>L300</u></b>	<b><u>F</u></b>	<b><u>Landscape: Existing Tree Study</u></b>	<b><u>21.02.23</u></b>
<b><u>L301</u></b>	<b><u>F</u></b>	<b><u>Landscape: Canopy Cover Plan</u></b>	<b><u>21.02.23</u></b>
<b>Civil Plans prepared by Cardno</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
80820348-05- CI-1141	8	Cut/Fill Earthworks Plan	01.06.2022
80820348-05- CI-1301-1303	5	Stormwater Drainage Plan - Sheet 1	27.10.2021
80820348-05- CI-1301-1303	5	Stormwater Drainage Plan - Sheet 2	27.10.2021

<del>80820348-05-CI-1301-1303</del>	5	Stormwater Drainage Plan – Sheet 3	27.10.2021
<del>80820348-05-CI-1504-1505</del>	2	Retaining Walls Layout Plan – Sheet 1	27.10.2021
<del>80820348-05-CI-1504-1505</del>	2	Retaining Walls Layout Plan – Sheet 2	27.10.2021
<del>80820348-05-CI-1651-1653</del>	3	Site Sections – Sheet 3	27.10.2021

### Revision of Strategies, Plans and Programs

A34. Within three months of:

- ~~(a) the submission of a compliance report under condition **Error! Reference source not found.** found.;~~
- ~~(b)~~ **(a)** the submission of an incident report under condition A30;
- ~~(c)~~ **(b)** the submission of an Independent Audit under condition C41 or C42
- ~~(d)~~ **(c)** the approval of any modification of the conditions of this consent; or
- ~~(e)~~ **(d)** the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Certifier must be notified in writing that a review is being carried out.

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

#### Tree protection

C19. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area, not approved for removal, 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 Arboricultural Impact Assessment prepared by Eco Logical Pty Ltd dated 10 December 2021 **and updated by Eco Logical Pty Ltd dated 1 March 2023. Note: Where any inconsistency occurs between these reports, the report dated 1 March 2023 will prevail.**
- (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.

#### Stormwater Management System

C26. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

- (a) be designed by a suitably qualified and experienced person(s);

- (b) be generally in accordance with the conceptual design ~~in the EIS~~ **in the Civil Report prepared by Northrop dated 28 October 2022, and the findings in the Post Development Discharge Plan (NRP-CEC-CC2-DWG-0603) and Pre Development Catchment Plan (NRP-CEC-CC2-DWG-0602) prepared by Northrop dated 22 November 2022.**
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (e) demonstrate measures to be implemented to maintain water quality for water discharged to Lees Creek;
- (f) ensure that all stormwater from the agricultural plot is appropriately treated to remove pollutants prior to entering the broader stormwater network.

d) Schedule 2 Part D Prior to Commencement of Operation, Condition D34 is amended by the insertion of the **bold and underlined** words, and deletion of ~~struck-out~~ words/numbers as follows:

### Landscaping

- D34. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan must:
- a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - b) describe the measures to ensure the site is managed as an Inner Protection Area in accordance with the Bushfire Report in the EIS, prepared by BlackAsh Bushfire Consulting dated 11 January 2021, **and updated by BlackAsh Bushfire Consulting dated 30 October 2022. Note: Where any inconsistency occurs between these reports, the report dated 30 October 2022 will prevail.** and
  - c) be consistent with the Applicant's Management and Mitigation Measures at Section 9 Table 9-2 in the EIS;
  - d) address the requirements of condition A22
  - e) be consistent with condition B40

e) Schedule 2 Part E Post Occupation, Condition E10 is amended by the insertion of the **bold and underlined** words, and deletion of the ~~struck-out~~ words/numbers as follows:

### School Transport Plan

- E10. The School Transport Plan required by condition ~~D26~~ **D25** of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

**End of modification  
(SSD-15788005-Mod-1)**