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8 May 2026

Chief Executive Office
Canterbury Bankstown Council
PO Box 8
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Dear Mr Stewart,

Section 4.55(2) Modification Application to DA-2/2025

42A Beale Street, Georges Hall NSW 2198

1. Introduction

This letter is a Statement of Environmental Effects (**SEE**) prepared on behalf of HopePoint Christian School Limited (the **Applicant**) to accompany an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to modify Notice of Determination DA-2/2025 (the **Consent**).

On 1 September 2025, Sydney South Planning Panel (**SSPP**) approved the development application (**DA**) for 'Demolition of Block D and associated tree removal, construction of new Block F (two-storey classroom building) with associated landscaping and site infrastructure, increase student numbers to 400 and staff to 33, and installation and removal of portable classroom building during demolition and construction periods' at 42A Beale Street, Georges Hall; Lot 101 in Deposited Plan 827530 (the **site**).

This Section 4.55(2) modification seeks to:

1. Install a new hydrant booster system to support the site and approved development,
2. Provide a Bushfire Assessment Report which was not considered during the DA assessment because of the change in the Bushfire Prone Land Map, and
3. Correct the tree specie name in Condition 72.

This SEE provides an assessment against the requirements of Section 4.55 of the EP&A Act and the requirements of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**). The modification does not alter the intent of the development outcome and is considered that the modification does not give rise to any additional environmental impact beyond those already assessed as part of the original development consent. Accordingly, it is requested that Canterbury Bankstown Council (**Council**) modify the development consent in accordance with the proposed amendments described within this SEE.

This modification application is supported by the following documentation submitted for this application:

- Owners Consent
- Arboriculturally Assessment
- Architectural Plans
- Civil and Stormwater Plans
- Estimated Development Cost
- Hydraulic Plans

- Archaeology Statement
- Bushfire Assessment
- Statement of Heritage Impact
- Structural Plan

2. Proposed Modification

2.1 Hydrant Booster System

The proposal seeks to include the installation of a new hydrant booster system and associated works to the Consent. The new infrastructure is located to the north west corner of the site, fronting Henry Lawson Drive and north of Block C (**Figure 1**). The works will involve:

- Earthworks to create a building pad for the hydrant system, construction of retaining walls and stormwater connection, and
- Installation of a 90,000L tank with two pump systems and connection to the existing booster valve.

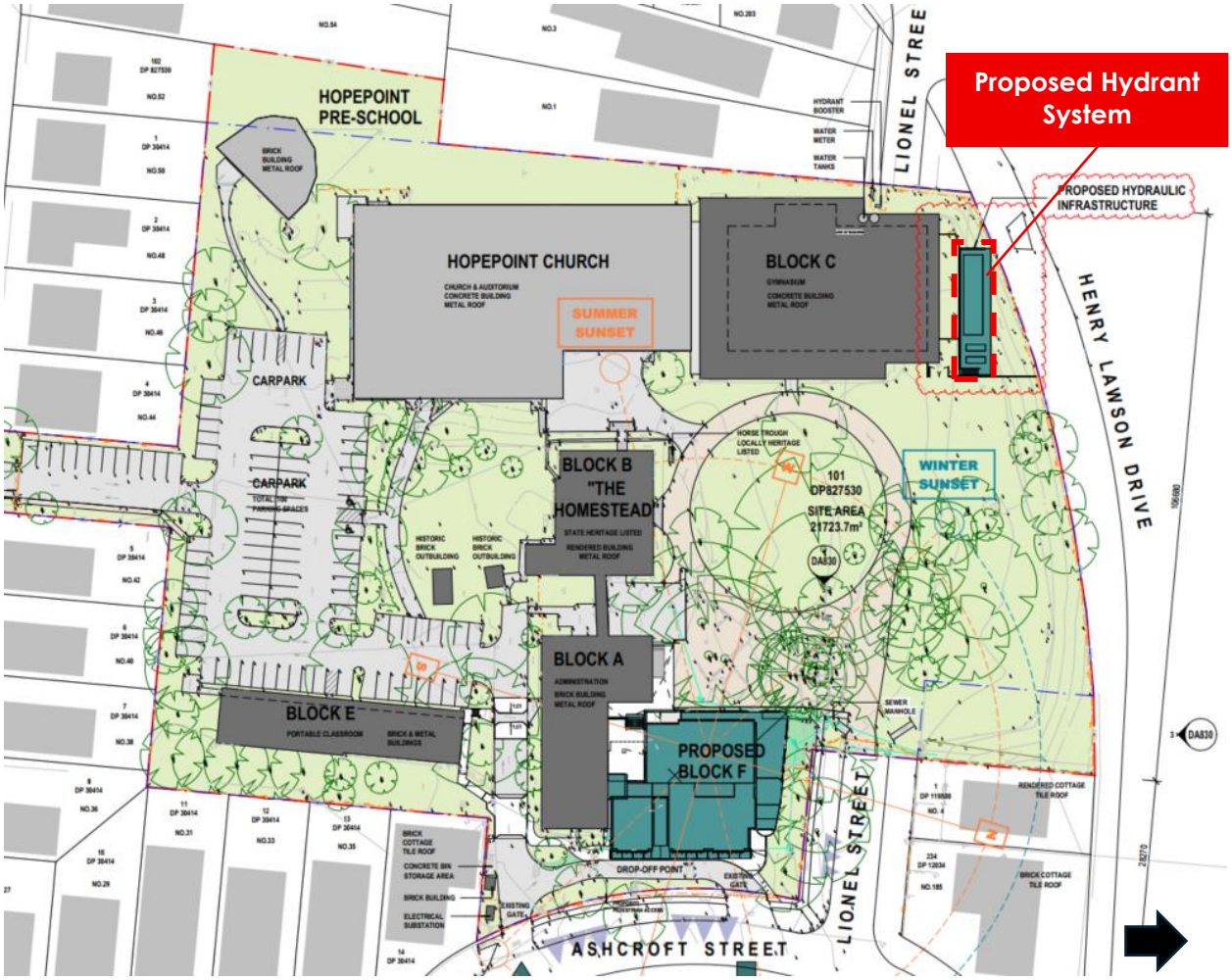

Figure 1: Proposed location of the new hydrant booster system

The proposed hydrant booster is required to ensure compliance with the relevant hydrant performance requirements under the Building Code of Australia (**BCA**) / National Construction Code (**NCC**), noting that the scale of the approved development is greater than originally anticipated. The inclusion of the hydrant booster will ensure adequate fire-fighting water pressure and flow are achieved across the site in accordance with the relevant Australian Standards.

A Statement of Heritage Impact (**SOHI**) prepared confirms the new hydrant system is located far from The Homestead (heritage item) with minimal view impacts from The Homestead to the hydrant system as it will mostly be blocked by Block C. Additionally, the earthworks to step down will have the least heritage impact.

An Archaeological Statement prepared by Cultural Resources Management has found the proposed location of hydrant system has the potential to impact archaeological evidence of Georges Hall House and its ground. As such, a Section 60 application under the *Heritage Act 1977* (**Heritage Act**) will be required to undertake the archaeological investigation and this Section 4.55(2) application will require re-referral to Heritage NSW for updated General Terms of Approval.

An Arboricultural Assessment has been prepared to assess whether the proposed hydrant system will impact trees within the vicinity of the works. The assessment confirms that the proposal will not require the removal of any trees. However, specific tree protection measures are recommended, including the installation of ground protection mats around Trees 14 to ensure no works occur within their structural root zones, as well as the provision of tree protection fencing around surrounding trees.

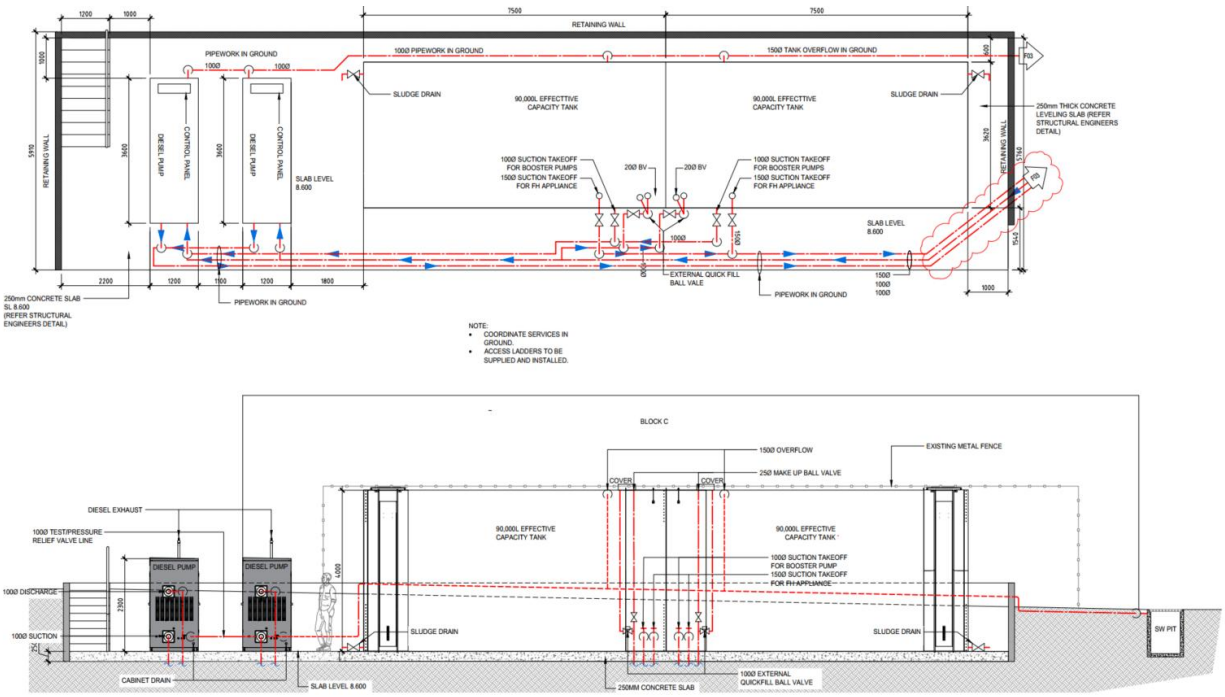

Figure 2: Proposed hydrant

2.1.1 Proposed Modification to the Consent

The proposed modification described above will require amendments to the conditions of consent as set out below (**add** or ~~deleted~~):

General Terms of Approval Heritage NSW

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

Condition 1 – Approved Development

Development must be in accordance with:

a) Architectural drawings, prepare by Leaf Architecture as listed below:

Table 1 Approved Plans			
DWG No	**Dwg Title**	**Date**	**Rev**
DAOOO	Cover Sheet	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**

Table 1 Approved Plans			
DWG No	**Dwg Title**	**Date**	**Rev**
DAOIO	Existing Site Plan	29/05/2025	9
DAOII	Demolition Site Plan	29/05/2025	9
DA012	Proposed Site Plan	~~29/05/2025~~ **16/04/2026**	~~9~~ **10**
DA013	Site Plans (Existing, enabling works & proposed)	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**
DA020	Site Analysis	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**
DA021	Streetscape Elevation	29/05/2025	7
DA030	Height Study	29/05/2025	7
DA040	Line of Buildings Comparison	29/05/2025	
DAIOO	Demolition Plan - Ground Floor Plan	29/05/2025	10
DAIOI	Proposed Plan - Ground Floor - Sheet 1	29/05/2025	10
DA102	Proposed Plan - Ground Floor - Sheet 2	29/05/2025	2
DA103	Proposed Plan - Level 1	29/05/2025	9
DA 104	Proposed Plan - Roof	29/05/2025	9
DA110	**Proposed Plan – Hydraulic Infrastructure**	**16/04/2025**	**1**
DA200	Proposed Sections	29/05/2025	9
DA210	Proposed Elevations & External Colours & Finishes	29/05/2025	9
DA211	Proposed Elevations & External Colours & Finishes	29/05/2025	9
DA212	**Proposed Elevations & External Colours & Finishes**	**16/04/2026**	**1**
DA810	Proposed Block F - Signage Plan	29/05/2025	5
DA820	Proposed Block F - Artist's Impression	29/05/2025	7
DA900	Proposed Demountable for Enabling Works	29/05/2025	4

General Conditions

Condition 12 – Approved Plans and supporting documentation

Development must be in accordance with:

a) Architectural drawings, prepared by Leaf Architecture as listed below:

Table 2 Approved Plan and support documentation			
DWG No	**Dwg Title**	**Date**	**Rev**
DAOOO	Cover Sheet	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**

Table 2 Approved Plan and support documentation			
DWG No	**Dwg Title**	**Date**	**Rev**
DAOIO	Existing Site Plan	29/05/2025	9
DAOII	Demolition Site Plan	29/05/2025	9
DA012	Proposed Site Plan	~~29/05/2025~~ **16/04/2026**	~~9~~ **10**
DA013	Site Plans (Existing, enabling works & proposed)	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**
DA020	Site Analysis	~~29/05/2025~~ **16/04/2026**	~~7~~ **8**
DA021	Streetscape Elevation	29/05/2025	7
DA030	Height Study	29/05/2025	7
DA040	Line of Buildings Comparison	29/05/2025	
DAIOO	Demolition Plan - Ground Floor Plan	29/05/2025	10
DAIOI	Proposed Plan - Ground Floor - Sheet 1	29/05/2025	10
DA102	Proposed Plan - Ground Floor - Sheet 2	29/05/2025	2
DA103	Proposed Plan - Level 1	29/05/2025	9
DA 104	Proposed Plan - Roof	29/05/2025	9
DA110	**Proposed Plan – Hydraulic Infrastructure**	**16/04/2025**	**1**
DA200	Proposed Sections	29/05/2025	9
DA210	Proposed Elevations & External Colours & Finishes	29/05/2025	9
DA211	Proposed Elevations & External Colours & Finishes	29/05/2025	9
DA212	**Proposed Elevations & External Colours & Finishes**	**16/04/2026**	**1**
DA810	Proposed Block F - Signage Plan	29/05/2025	5
DA820	Proposed Block F - Artist's Impression	29/05/2025	7
DA900	Proposed Demountable for Enabling Works	29/05/2025	4

b) Landscape drawings, prepared by Space Landscape Designs as listed below:

Table 3 Approved Plans			
DWG No	**Dwg Title**	**Date**	**Rev**
Project Name: Proposed Block F			
L-IOO	Landscape Plan	02/06/2025	
L-200	Planting Plan - Sheet 1	02/06/2025	
L-300	Planting Plan - Sheet 2	02/06/2025	D

Table 3 Approved Plans			
DWG No	**Dwg Title**	**Date**	**Rev**
L-400	Landscape Details and Specifications	02/06/2025	

c) Statement of Heritage Impact, prepared by JPA&D, dated 2 June 2025.
d) Statement of Environmental Effects, prepared by EPM Projects, dated 20 December 2024.
e) Aboricultural Impact Assessment Report, prepared by Rain Tree Consulting, dated 24 June 2025.
f) Arboricultural Assessment & Tree Protection Plan, prepared by rain Tree Consulting, dated 22 April 2026.
g) Archaeological Assessment, prepared by CRM, dated May 2025.
h) Research Design for Archaeology, prepared by CRM, dated June 2025.

2.2 Bushfire

DA-2/2025 was lodged with Council on 9 January 2025. At the time the DA was prepared and lodged, the site was not mapped as bush fire prone land. However, during assessment of the application, the NSW Rural Fire Service (**RFS**) updated the Bush Fire Prone Land mapping, which now identifies part of the site as being affected by a vegetation buffer (refer to **Figure 3**).

The approved development for an increase in student numbers constitutes a *special fire protection purpose* development in accordance with Section 100B of the *Rural Fires Act 1997*. As such, the proposal triggers referral to the NSW RFS for the issue of a Bush Fire Safety Authority under Section 4.46 of the EP&A Act.

A Bush Fire Assessment prepared by Building Code & Bushfire Hazard Solutions Pty Ltd is submitted with this application. The assessment confirms that the approved Block F is not located within the mapped vegetation buffer and is situated greater than 100 metres from the identified bush fire hazard. The assessment determines a minimum Asset Protection Zone (**APZ**) of 50 metres to the northeast and 57 metres to the northwest, which is to be maintained in accordance with the Inner Protection Area requirements.

As the application is required to be referred to the NSW RFS, it is anticipated that an appropriate condition will be imposed in the consent to ensure compliance with the Bush Fire Safety Authority issued by the NSW RFS.

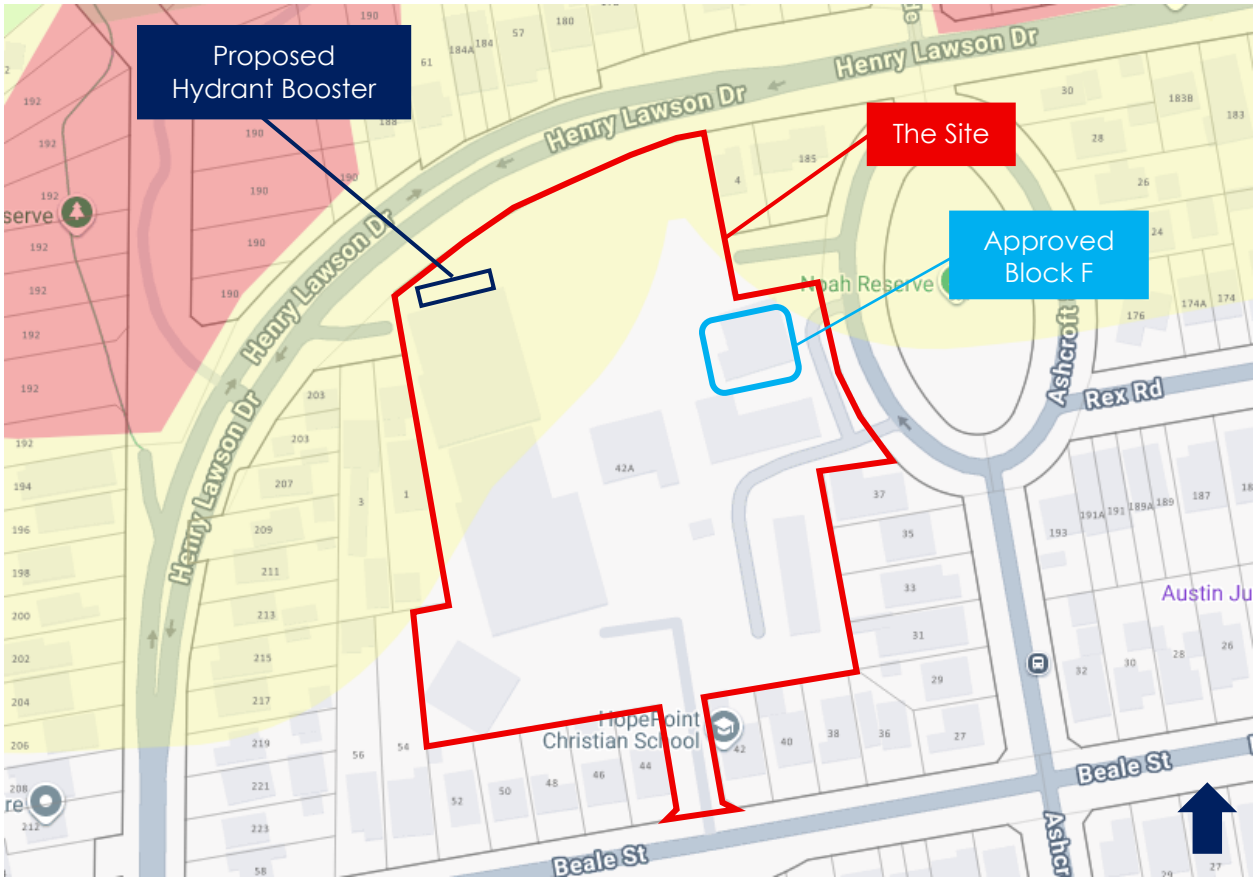

Figure 3: Bushfire Prone Land (Source: Canterbury Bankstown City Maps)

2.3 Tree Specie – Condition 72

The proposal seeks to correct the tree specie reference in Condition 72 from a *Jacaranda* to a *Fig Tree* in accordance with the approved Arboricultural Impact Assessment Report by Rain Tree Consulting. Confirmation has been sought from Robert Steedman, Council's Team Leader Planning East that a Section 4.55 application is required.

2.3.1 Proposed Modification to the Consent

The proposed modification described above will require amendments to the conditions of consent as set out below (**add** or ~~deleted~~):

During Building Work

Condition 72 – Trees to be retained and protected: On-site

The following tree/s shall be retained and protected from removal and damage for the duration of the development:

As per Arboricultural Impact Assessment Report (APPENDIX- D)

** TPZ and SRZ in metres measured from the centre of the trunk of the tree.*

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- *The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.*
- *All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.*
- *A designated Tree Protection Zone shall be created on site by erecting a tree protection fence at a 4 metre radius from the trunk of the ~~Jacaranda mimosifolia (jacaranda~~) **fig tree**. The fence is to be constructed of chain wire mesh 1.80 metres high supported by steel posts. The fence is to*

be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works;

- *The applicant will display in a prominent location on the tree protection fence a durable, weather resistant sign of a similar design, layout and type size as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:*
  a. *The Development Consent number;*
  b. *The name and contact phone number of the site manager;*
  c. *The purpose of the protection zone;*
  d. *The penalties for disregarding the protection zone;*
- *No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.*
- *All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.*
- *Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.*
- *Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.*
- *If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.*
- *No ripping or rotary hoeing within the Tree Protection Zone of trees to be retained is permitted.*
- *Any approved excavation within the Tree Protection Zone of protected trees must be carried out by hand under the care and control of a qualified arborist - minimum Australian Qualification Framework (AQF) Level 4 or equivalent - to avoid unnecessary damage to tree roots.*
- *In exceptional circumstances, the tree protection fencing may be temporarily relocated to allow site access for construction purposes subject to the prior approval of the project arborist, the installation of ground protection measures as detailed below, and following the clearly identified tagging of all protected trees, provided such fencing is immediately replaced on completion of the works. No damage to root systems or soil compaction will be accepted during such works.*
- *If the approving authority consents to materials, machinery or access over specifically nominated areas of the tree protection zone, the roots and surface soil within this area shall be mulched to a minimum depth of 100mm of hardwood wood chip overlaid with rumble boards, steel plates, or similar. This ground protection measure must be maintained for the duration of the site works.*
- *The trees are to be watered during dry spells, i.e. two to three weeks without adequate rainfall. The root zone should be thoroughly watered and then left to drain. A temporary/permanent irrigation system is to be installed on site where works longer than one month in duration are expected and when appropriate shall be part of the landscaping works.*
- *Any pruning works shall be carried out by a qualified arborist and shall comply with Australian Standard AS4373-2007 Pruning of Amenity Trees, the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW), and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).*

All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from Construction damage and pruning. The Tree Management Order protects trees over 5m in height.

Reason: Correct the tree species references to align with the approved Arborist Report.

3. Other Modifications

3.1 Environmental Planning and Assessment Act 1979

Section 4.55 of the EP&A Act contains provisions that must be considered by Council in determining an application to modify the consent.

Table 4 Assessment against Section 4.55 of the EP&A Act

Section	Comment
*(2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*	

Table 4 Assessment against Section 4.55 of the EP&A Act	
Section	**Comment**
(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent authority must be 'satisfied' that the modified development will be 'substantially the same development' as authorised by the original development consent. The questions of 'substantially the same development' is a 'question of fact'. The finding of fact that a modified development is substantially the same as the original approved development requires a comparison between the development as originally approved and the development as proposed to be modified. The outcome of the proposed modification remains as that originally approved for demolition and construction of a new school building with student numbers increasing to 400 and staff to 30. The proposed modification does not alter the type or intended purpose of the development as it is considered to be substantially the same as it was approved by Council.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The proposed modification will require referral to Heritage NSW and NSW RFS for general terms of approval for the new hydrant booster system. As soon as practical after lodgement, Council should refer the application to Heritage NSW and NSW RFS for consideration.
(c) it has notified the application in accordance with— *(i) the regulations, if the regulations so require, or* *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*	The EP&A Regulations do not specify additional requirements to notify the application as per Council's Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	If Council elects to notify the application, the applicant requests the opportunity to review and comment on any submissions received.
(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	Council has previously confirmed that the site is suitable for the proposed development in issuing Consent. The proposed modification does not alter the approved development's compliance with the *Canterbury Bankstown Local Environmental Plan 2023* (**LEP**) or Canterbury Bankstown Development Control Plan (**DCP**). An environmental assessment is provided in **Section 4** of this report.
(3A) Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.	The proposed modification is not for a targeted assessment development.
(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.	The application is lodged with Council pursuant to Section 4.55(2) of the EP&A Act.

Table 4 Assessment against Section 4.55 of the EP&A Act	
Section	**Comment**
(5) To avoid doubt, a consent authority is not prevented from modifying a consent under subsection (1A) or (2) merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.	The application will result in a change to the development.
(6) Deemed refusals The regulations may make provision for or with respect to the following— *(a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,* *(b) the effect of any such deemed determination on the power of a consent authority to determine any such application,* *(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.*	The EP&A Regulation has provision for determination timeframes. The Applicant is aware of this procedural matter.
(8) Modifications by the Court The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A)(c) or subsection (2)(b) and (c) are to be exercised by the relevant consent authority and not the Court.	Not applicable.

4. Environmental Assessment

The following assessment considers the relevant matters under Section 4.15(1) of the Act, which must be considered by the consent authority in accordance with Section 4.55(3) of the Act. An assessment against the relevant planning controls is set out below.

Table 5 Assessment against relevant planning provisions		
Provision	**Assessment**	**Compliance**
State Environmental Planning Policy (Transport & Infrastructure) 2021		
Chapter 3 Educational establishments and child care facilities	The proposed development (as modified) is consistent with the assessment undertaken against the relevant provisions of Chapter 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (**T&I SEPP**) as set out in the SEE prepared by EPM dated 20 December 2024.	Yes
Canterbury Bankstown Local Environmental Plan 2023		
5.10 Heritage Conservation	The site is identified as an item of State heritage significance with the proposed modification within the curtilage of the heritage item. A SOHI has been prepared, which concludes that the proposed development has an acceptable impact on the heritage significance of the site.	Yes
6.2 Earthworks	The works involve minor earthworks to facilitate the construction of the new hydrant booster. The proposed development is consistent with the provisions of clause 6.2 of the LEP and incorporates appropriate measures to minimise any impacts on existing drainage patterns, soil stability, watercourses, drinking water catchments or environmental sensitive areas. In the addition, the proposed earthworks will not have any adverse effects on the existing and likely	Yes

Table 5 Assessment against relevant planning provisions		
Provision	**Assessment**	**Compliance**
	amenity of adjoining properties or impact upon the likely future use or development of any adjoining land.	
6.9 Essential Services	The proposed installation of a hydrant booster system is required support the approved development and meet the relevant Australian Standard for hydrant performances.	Yes
Canterbury Bankstown Development Control Plan 2023		
2.3 – Tree Management	An Arboricultural Assessment report has been prepared identifying no trees are required for removal to facility the works. Tree protection measures will be implemented during construction phase.	Yes
4.2 – Heritage Items	Refer to discussion above under Section 5.10 of the LEP.	Yes
9 – Site Facilities	As previously discussed, the proposed modification to include a new hydrant booster is an essential infrastructure to service the site.	Yes
10.2 – Schools	The proposed location of the hydrant system has been carefully considered with the surrounding residential properties. The location being along the northern portion of the site is most appropriate, being as far as possible from the nearest residential properties and The Homestead.	Yes

5. Reason for Granting Consent

Section 4.55(3) of the EP&A Act provides that a consent authority must take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified.

The following reasons were identified in the Determination and Statement of Reasons from the SSPP dated 8 September 2025:

> *The Panel determined to approve the application for the reasons outlined in the Council Assessment Report*
>
> - *The council planner's assessment report has considered the relevant matters under section 4.15 of the Environmental Planning and Assessment Act 1979.*
> - *The proposed development is permissible development with consent within the R2 Low Density Residential Zone and is consistent with the relevant zone objectives. It complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the Canterbury-Bankstown Local Environmental Plan 2023 and the Canterbury-Bankstown Development Control Plan 2023.*
> - *The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity or the significance of the heritage item.*

The proposed development as modified is consistent with the Statement of Reasons for the following reasons:

- The development (as modified) is permissible development and is consistent with the objectives of the R2 Low Density Residential zone under the LEP. It complies with the applicable State Environmental Planning Policies and the relevant provisions of the LEP and DCP,
- The development (as modified) responds to the site, is compatible with development with the surrounding areas and does not result in unreasonable impacts on residential amenity or the significance of the State heritage item,
- The modification does not create any additional adverse environmental impacts,

- Does not reduce or increase the approved development footprint of Block F or increase the approved student numbers, and
- Remains as an educational establishment being occupied by HopePoint Christian School.

6. Conclusion

This assessment confirms that the proposed modification to Condition 1, 12 and 72 will result in a development that is substantially the same as the development for which consent was originally granted. Therefore, an assessment of the proposal against the relevant provisions of Section 4.15(1) of the EP&A Act concludes that the proposed modification is consistent with the relevant provisions of the LEP.

The site is deemed suitable for the proposed development, and the modification is consistent with the relevant provisions of the EP&A Act, accordingly it is suitable for approval.

Should you have any queries, please contact the undersigned on 0406 678 739 (Sandy).

Yours sincerely,
EPM Projects

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