



Prepared for  
NSW Department of Education

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## Appendix B

# Upgrades to John Palmer Public School

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# 1. Statutory requirements

To satisfy the requirements of section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), this EIS includes references to statutory requirements that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the proposed development.

The statutory requirements that have been assessed against the proposed development are:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Biodiversity Conservation Act 2016;
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64);
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997);
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP);
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP);
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP); and
- Blacktown Local Environmental Plan 2015 (PLEP).

## 2. Compliance with Controls

### 2.1 Environmental Planning and Assessment Act 1979 & Environmental Planning and Assessment Regulation 2000

#### Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

A response to the objects of the EP&A Act is provided at **Table 1**.

Table 1 Objects of the Act

Objects of the EPA Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site remains suitable for use as an educational establishment and the redevelopment would not unreasonably negatively impact the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section Error! Reference source not found.).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land as it is consistent with the sites' existing use as an educational establishment and would improve educational facilities to support demand.
(d) to promote the delivery and maintenance of affordable housing,	Not relevant.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Impacts of tree removal have been appropriately mitigated or are addressed through new habitat opportunities created by additional planting.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified no known Aboriginal sites, objects or Potential Archaeological Deposits located within the study area or proposed development footprint. The site is not identified as, nor located within proximity to, any local or state (or draft) heritage items. Further, the site is not located within, nor within proximity to, any heritage conservation area.
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of the buildings.

Objects of the EPA Act	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Consultation has been undertaken with Council and other public authorities and consideration of their responses incorporated into the design.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Consultation with local community members has been undertaken as part of the SIA (Refer to <b>Appendix M</b> ).

#### Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The proposed development is consistent with ESD principles as described in **Section 6.6** and **Appendix T** of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

#### Environmental Planning and Assessment Regulation 2000

The EIS has addressed the criteria within Clause 6 and Clause 7 of Schedule 2 of the EP&A Regulation. Refer to **Appendix A** for outline of how the SEARs have been addressed within the EIS.

#### Section 4.15(1) matters for consideration

Section 4.15(1) of the EP&A Act identifies the matters for consideration that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in Section 6 (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 2 Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. Consideration of the relevant EPIs is provided in <b>Appendix B</b> .
(a)(ii) any proposed instrument	Satisfactorily complies. Consideration of the relevant EPIs is provided in <b>Section 2</b> of this appendix.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, the relevant controls of the DCP have been considered in <b>Section 2.14</b> of this appendix.
(a)(iiii) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation.

Section 4.15(1) Evaluation	Consideration
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposal have been assessed (refer <b>Section 6</b> of EIS) and appropriately mitigated (refer Appendix C for mitigation measures).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Section 6</b> of the EIS.
(d) any submissions	Consideration has been given to the submissions received during the community consultation period.
(e) the public interest	Refer to <b>Sections 6 and 7</b> of the EIS.

## 2.2 Biodiversity Conservation Act 2016

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

A BDAR was prepared by Kleinfelder Australia Pty Ltd (**Appendix R**) which considers the removal of vegetation. An approximate total of 0.20 ha of exotic grassland (managed) and 0.10 ha of planted native/exotic vegetation (36 trees) are proposed to be removed from the site.

The proposed development is highly unlikely to have significant impacts upon defined biodiversity values, as the area to be modified is very small, and comprises isolated native planted vegetation or exotic grassland (managed). Any local populations of these species which may exist are likely to continue to persist. In addition, no threatened species or ecological communities were identified as being vulnerable to Serious and Irreversible Impacts (SAILs) within the site.

Potential direct and indirect impacts associated with the proposed development would be avoided and/or minimised through the implementation of mitigation and management measures outlined in Section 5.2.3 of **Appendix R**.

## 2.3 State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications. An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table 3**.

Table 3 Relevant clauses of SRD SEPP

Clause	Response
<b>8 Declaration of State significant development: section 4.36</b>	The SRD SEPP identifies development or infrastructure types that are of state or critical significance. Under Schedule 1, Clause 15 State Significant Development includes development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school. The proposed development constitutes SSD as it is alterations and additions to the existing John Palmer Public School with a CIV of greater than \$20 million.

## 2.4 State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table 4**.

Table 4 Relevant clauses of Infrastructure SEPP

Clause	Response
<b>44 - 45 Development likely to affect an electricity transmission or distribution network</b>	The development is located within the vicinity of an electricity transmission or distribution network. In accordance with the Infrastructure SEPP, the development will need to be referred to the relevant electricity supply authority for comment.
<b>98 – 104 Development in or adjacent to road corridors and road reservations</b>	Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP.

## 2.5 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2007 (Education SEPP)

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

An assessment of the development against the relevant clauses is provided in **Table 5**.

Table 5 Relevant clauses of Education SEPP

Clause	Response
<b>35 Schools – development permitted with consent</b>	<p>Clause 35(1) permits development for the purpose of a school by any person with development consent on land in a prescribed zone. The site is zoned SP2 Infrastructure which is listed as a prescribed zone. Therefore, the development is permissible by virtue of this clause.</p> <p>Clause 35(5) enables a school to be used, with development consent, for the physical social, cultural, or intellectual development or welfare of the community, As detailed in <b>Section 3</b> of the EIS, there is existing community use of certain school facilities. The proposed development seeks to improve existing facilities for these community uses.</p> <p>Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided further below in this table.</p> <p>Clause 35(6)(b) requires the consent authority to take into consideration whether the development enables the use of school facilities to be shared with the community. In this case, the proposed development proposes to share upgraded facilities with existing community uses.</p>



Clause	Response
<b>42 State significant development for the purpose of schools – application of development standards in environmental planning instruments</b>	<p>Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.</p> <p>In this case, the proposed development does not contravene a development standard imposed by this or any other environmental planning instrument.</p>
<b>57 – Traffic generating development</b>	<p>Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application will need to be referred to TfNSW (incorporating Road and Maritime Services) in accordance with this clause. Notwithstanding, consultation has been undertaken with TfNSW in preparing the EIS.</p>
<b>Schedule 4 Schools – design quality principles</b>	
<b>Principle 1 – Context, built form and landscape</b>	<p>For the reasons discussed within this report and the supporting Architectural Design Statement at <b>Appendix I</b>, the proposal is suitable with regard to its context, built form and landscaping. The form of proposed development will provide a three-storey building that presents a strong urban street wall to The Ponds Boulevard.</p> <p>The proposed building has sought to ensure that landscaping, areas of open space and play space are integrated in a manner that enhances the overall design.</p>
<b>Principle 2 – Sustainable, efficient and durable</b>	<p>The proposal aligns with Principle 2 by encouraging sustainable practices that:</p> <ul style="list-style-type: none"> <li>– Reduce the impact of climate change.</li> <li>– Enhance the health and quality of life of inhabitants and the sustainability of the built environment.</li> <li>– Restore and protect the planet's biodiversity and ecosystems.</li> <li>– Ensure the ongoing optimum operational performance of buildings.</li> <li>– Contribute to market transformation and a sustainable economy.</li> </ul> <p>For further detail, refer to the ESD Report prepared by AECOM at <b>Appendix T</b>.</p>
<b>Principle 3 – Accessible and inclusive</b>	<p>The proposal can comply with relevant provisions for accessibility as outlined in the Accessibility Report prepared by Philip Chun at <b>Appendix AC</b>. This report considers all aspects of accessibility to the site and throughout the development and with reference to the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards), relevant Australian Standards as they relate to access to premises and the spirit and intent of the Disability Discrimination Act 1992 (Cth) (DDA).</p>
<b>Principle 4 – Health and safety</b>	<p>The proposed development considers the health of future users of the school by introducing new pedestrian and cycling</p>

Clause	Response
	<p>facilities within the overall transport strategy for the project. This includes a new pedestrian entry point to Jetty Street, zebra crossings, bicycle and scooter storage, and staff end-of-trip facilities.</p> <p>The Architectural Design Statement (<b>Appendix I</b>) demonstrates how CPTED principles have been implemented throughout the school to help security and access for the school.</p>
<b>Principle 5 – Amenity</b>	The proposal will deliver modern, state of the art facilities, spaces and equipment for use by students and staff. These areas will provide students with an enhanced learning environment and overall improved amenity for all users.
<b>Principle 6 – Whole of life, flexible and adaptive</b>	The proposed development utilises the SI NSW planning grid, which was created by SINSW. The SI NSW planning grid supports flexible learning and collaboration. In addition, the form and materials of the proposed new building have been designed to ensure flexibility, durability and longevity. In addition, external landscape areas are generally appropriate for multiple uses and are designed to allow flexible and adaptable outdoor learning and play. As such, the proposed development aligns with Principle 6.
<b>Principle 7- Aesthetics</b>	<p>Extensive streetscape facades and massing have been carefully considered to respond to the existing local context. Further to durability matters above, the proposal will have high quality external finishes, which will be aesthetically pleasing by achieving a built form that has good proportion and a balanced composition. Overall, the proposal is of an appropriate scale and form within the surrounding context.</p> <p>In addition, proposed landscape planting is designed to provide a positive impact on the quality of the external spaces for learning and play, whilst also contributing to increased biodiversity and improving the school's identity within the local area.</p>

## 2.6 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

SRGC SEPP applies to all land in a growth centre. In this Policy, a growth centre means any land:

- (a) *the North West Growth Centre with boundaries as shown on the North West Growth Centre Precinct Boundary Map,*
- (b) *the South West Growth Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map,*
- (c) *the Wilton Growth Area with boundaries as shown on the Wilton Growth Area Precinct Boundary Map (the Wilton Growth Area),*
- (d) *the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).*

The SEARs for the project require consideration of this SEPP. The subject site is not within the boundaries as shown on the *North West Growth Centre Precinct Boundary Map*, the *South West Growth Centre Precinct Boundary Map*, the *Wilton Growth Area Precinct Boundary Map* or the *Greater Macarthur Growth Area Precinct Boundary Map*. Therefore, the provisions of this SEPP do not apply.

## **2.7 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997)**

State Environmental Planning Policy No 20 – Hawkesbury- Nepean River (No 2-1997) applies to the Blacktown LGA. It aims to protect the environmental of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in the regional context.

The proposed activity will not have any adverse environmental impacts on any riparian corridors, environmentally sensitive areas, areas of high scenic quality, wetland areas, areas of high cultural heritage or impact on the water quality of the Hawkesbury Nepean River.

A detailed Erosion and Sediment Control Plan (also known as a Soil and Water Management Plan) has been prepared to limit the impacts of the development in relation to water quality. Refer to **Appendix W**.

## **2.8 State Environmental Planning Policy No. 55 - Remediation of Land**

Clause 7 of SEPP 55 requires the consent authority to consider whether the subject land of any development application is contaminated and if found to be contaminated, whether it can be made suitable for the proposed use.

Based on the results of the DSI in **Appendix Q** the potential for contamination constraints at the site is relatively low. However, as with any site, there is always the potential that concealed structures and / or contaminated materials may be present at the site, and this should be considered during bulk earthworks for the proposed development.

In this case, an Unexpected Finds Protocol will need to be established for use during earthworks, to ensure that due process is carried out in the event of a possible contaminated find.

## **2.9 Subject to the implementation of these recommendations, it is considered that the site can be made suitable for the proposed development.State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)**

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. No signage is proposed with this development.

## **2.10 Draft State Environmental Planning Policy (Remediation of Land) (Draft SEPP 55)**

Draft SEPP 55 contains content that is not dissimilar to the gazetted SEPP 55. The proposed development aligns with the aims and objectives of Draft SEPP 55. Refer to attached DSI of Contamination at **Appendix Q**.

## **2.11 Draft State Environmental Planning Policy (Environment) (Draft SEPP (Environment))**

The Draft SEPP (Environment) is a proposed new SEPP that will form part of the broader land use planning framework in NSW. The proposed new SEPP aims to deliver a planning framework that protects the four catchments, maintaining:

- Water quality and flows within watercourses;
- Native plants, animals, habitats and ecosystems;
- Recreational, scenic and environmental amenity.

The proposal aligns with the aims and objectives of the Draft SEPP (Environment).

## 2.12 Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the state.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The Explanation of Intended Effects was exhibited from 20 November 2020 to 17 December 2020 and proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

It is considered that the proposal is generally consistent with the objectives of the Draft Education SEPP and would continue to meet the requirements for SSD in accordance with the Explanation of Intended Effect except for amendments proposed to the threshold triggers for SSD.

It is proposed to amend Subclause 15(2), Schedule 1 of the State and Regional Development SEPP to increase the capital investment value for alterations and additions to existing schools from \$20 million to \$50 million, and to permit demolition and redevelopment of an existing school via this clause.

In this case, the proposed development is below the proposed threshold trigger of \$50 million and will not meet the trigger to be considered as an SSD.

## 2.13 Blacktown Local Environmental Plan 2015

The development is consistent with the relevant provisions of the BLEP. Consideration of the relevant clauses of the BLEP is provided in **Table 6** below.

Table 6 Relevant clauses of BLEP

Provision	Consistency	Response
<b>2.2 – Zoning of land to which Plan applies – SP2 Infrastructure</b>	Yes	The site is zoned SP2 (Educational Establishment). The proposed development aligns with the objectives of this zone (refer to row below).
<b>2.3 – Zone objectives and Land Use Table</b>  <i>Objectives of zone</i> <ul style="list-style-type: none"> <li>– To provide for infrastructure and related uses.</li> <li>– To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> <li>– To ensure that development does not have an adverse impact on the form and scale of the surrounding neighbourhood.</li> </ul>	Yes	<p>Development for the purpose of a 'educational establishment' on the site is permitted use in the SP2 Infrastructure zone. Hence, the proposed development is permitted with consent.</p> <p>The proposed development is consistent with the zone objectives as:</p> <ul style="list-style-type: none"> <li>– It provides educational infrastructure to support the needs of the existing and future student population;</li> <li>– It will allow for optimal land use;</li> <li>– It allows JPPS to increase their student capacity.</li> <li>– Any impacts to the adjoining residential land use and the surrounding neighbourhood will be appropriately mitigated by the design or by measures outlined in <b>Appendix C</b>.</li> </ul>

Provision	Consistency	Response
<b>2.7 – Demolition requires development consent</b>	Yes	Demolition of existing structures is proposed under this SSDA.
<b>4.3 – Height of Buildings</b>	N/A	No height control applies to the site.
<b>4.4 – Floor Spate Ratio</b>	N/A	No FSR control applies to the site.
<b>5.10 – Heritage Conservation</b>	N/A	<p>There are no heritage impacts arising from the proposed works. The site is not identified as, nor within proximity to, local or state (or draft) heritage items. The site is not located within, nor within proximity to, any heritage conservation areas.</p> <p>No known Aboriginal archaeological sites or objects, or Aboriginal places of significance are located within the site boundary and therefore the proposed development will have no impact on Aboriginal heritage.</p>
<b>6.3 – Development Control Plan</b>	N/A	<p>Clause 6.3 requires that development must not be granted in an urban release area unless a DCP that provides for matters under sub-clause (3) of that clause is prepared.</p> <p>Part M - The Ponds is the DCP that was prepared for the purpose of Clause 6.3 of Blacktown LEP 2015.</p> <p>As such, it is not anticipated that a site-specific DCP is required to be prepared for the proposed development, or alternatively a Staged DA process, in order to satisfy the clause. Furthermore, should a DCP be prepared it is considered it would have no effect in relation to the SSDA, as DCPs do not apply to SSD.</p>
<b>7.5 – Essential Services</b>	Yes	<p>Clause 7.5 requires services, which are essential to the development, to be available for the development. Services include, supply of water, supply of electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.</p> <p>A Building Services Infrastructure Report has been prepared by AECOM Australia Pty Ltd and is attached at <b>Appendix AB</b>. The Report focuses on water, sewer, gas, electricity, telecommunications, fire protection, and mechanical services for the site.</p> <p>The report outlines upgrades and augmentation strategies required to</p>

Provision	Consistency	Response
		existing services in order serve the proposed development.

## 2.14 Blacktown Development Control Plan 2015

In accordance with clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to state significant development. However, the objectives of relevant controls under the Blacktown City Council DCP 2015, where relevant, have been considered below in **Table 7**.

Table 7 Relevant controls of the BDCP

Matter to be considered	Objectives	Comment
<b>Part A – Introduction and General Guidelines</b>		
<b>4.3 Tree Preservation</b>	Council, as well as developers, has a responsibility to ensure that development is undertaken in a manner which will enhance the existing environment or at least minimise any likely adverse environmental impacts.	Whilst some of the existing trees will be impacted, their removal does not impact any biodiversity values on the site and will be compensated by proposed tree planting which will increase tree canopy cover from 8.7% to 26.8% of the site area. New tree plantings will also enhance existing habitats for flora and fauna in the locality.
<b>6.1 Specific land use requirements</b>	Recognising the varying availability of public transport within Blacktown, the aim of the car parking provisions of Blacktown DCP 2015 is to provide a comprehensive guide for the provision of parking for new development in order to: <ul style="list-style-type: none"> <li>(a) Ensure adequate traffic safety and management</li> <li>(b) Ensure an adequate environmental quality of parking areas (both safety and amenity)</li> <li>(c) Provide parking areas that are convenient and sufficient for the use of employees and visitors generated by new developments.</li> </ul>	Based on the capacity of 1,012 students and an estimated 59 staff, the total car parking demand for staff at the Blacktown DCP 2015 rates would be 59 spaces and an additional 10 spaces for visitors due to the new school capacity. A total of 69 spaces would be required. The proposed development provides 35 spaces. Justification for this departure is considered in <b>Section 6.7</b> of the EIS.
<b>8.1 Solar access</b>	New development should retain reasonable levels of solar access to neighbouring properties and the public domain.	By virtue of the orientation of the site and the physical separation afforded by a combination of the setbacks to and the width of The Ponds Boulevard, the proposal will not result in any overshadowing impacts to nearby residential properties during 9am to 3pm during the winter solstice, as detailed within the solar access study at <b>Appendix H</b> .
<b>8.4 Crime prevention through</b>	Council has a responsibility to ensure that development provides safety and security to users and	A Crime Prevention through Environmental Design (CPTED) Assessment has been included in

Matter to be considered	Objectives	Comment
environmental design	the community. In order to create a safe and defensible environment, Council will have particular regard to design aspects of all forms of development when assessing applications.	the Architectural Design Statement prepared by PTW Architects and is attached at <b>Appendix I</b> . The Architectural Design statement outlines the design elements and CPTED principles included in this proposal that will deter unsocial and criminal behaviour from the site.

#### Part G – Site Waste Management and Minimisation

3 Performance criteria	Require management to minimise the generation of waste and ensure the appropriate separation, storage and collection of waste.	<p>A Construction Waste Management Plan (<b>CWMP</b>) and Operational Waste Management Plan (<b>OWMP</b>) has been prepared by EcCell Environmental Management and is attached at <b>Appendix Y</b> and <b>Z</b>, respectively. Both plans outline provisions that will inform operational and construction waste management measures required on site once planning approval is sought.</p> <p>It is considered these management plans will ensure waste practices, storage and collection is managed on-site in a manner that does not impact residential amenity and also diverts as much waste as possible from landfill.</p>
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#### Part J – Water Sensitive Urban Design and Integrated Water Cycle Management

2.1 Development to which this Part applies	<p>Water Quality controls and water conservation controls in this Part apply to all business and industrial development with a development footprint greater than 150 square metres.</p> <p>The on-site stormwater detention and waterway stability controls apply all business and industrial development with a development footprint greater than 150 square metres, that is located in an area defined by the on0site stormwater detention map.</p>	<p>No permanent OSD is required as per the stormwater detention map.</p> <p>In relation to water conservation, the proposed development incorporates water conservation measures (i.e., rainwater tank).</p> <p>Similarly, devices are proposed to ensure the water quality of stormwater run-off before entering Council's drainage infrastructure.</p>
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#### Part M – The Ponds

3. Urban Design  The public infrastructure and spaces which provide the overall framework for the development of the	(a) <i>Provide the necessary public domain and infrastructure to support a community</i>	The proposed development will deliver upgrades to an existing public school. Given this, the proposed development is supporting The Ponds local community with upgraded education infrastructure.
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Matter to be considered	Objectives	Comment
site should achieve the following:	(b) <i>Provide pedestrian, cycle and public transport access to housing, jobs, open space and services</i>	The proposed development will deliver new jobs within The Ponds, including 132 temporary construction jobs and 5 permanent full time staff jobs.
	(c) <i>Increase choice in available transport options and reduce dependence on cars</i>	The Transport and Accessibility Impact Assessment ( <b>Appendix O</b> ) notes that new pedestrian, cycling and end-of-trip facilities are proposed, supporting students and staff to utilise sustainable modes of transport to access the school and reduce dependence on cars.
	(d) <i>Support the efficient and viable operation of existing local public transport services</i>	
	(e) <i>Manage and mitigate salinity</i>	The site ranges from non-saline to moderately saline with near-surface soils (within 0.5 m of the existing ground surface) generally non-saline. In addition, shallow soils ranged from non-sodic to highly sodic. As a result, the Geotechnical Investigation Report prepared by Douglas Partners at <b>Appendix P</b> outlines management strategies for the development.
	(f) <i>Manage stormwater and flood sustainability by incorporating water sensitive urban design (WSUD).</i>	The Civil Report prepared by enstruct for the proposed development at <b>Appendix W</b> , outlines that WSUD principles will be implemented on the project to minimise the transportation of toxicants to waterways and other offsite environments.
<b>3.1.2 Primary School</b>	(a) <i>Ensure that school buildings are of a scale and character consistent with the business centre and community facilities. Respond to natural systems, protecting and enhancing areas of natural, indigenous and scenic importance</i>	<p>The bulk and character of the proposed development has been designed with careful consideration of adjacent developments including The Ponds Shopping Centre to the north and properties to the east, south, and west. The scale and character are deemed consistent with surrounding developments, as discussed in <b>Section 6</b> and in the Architectural Design Statement prepared by PTW Architects at <b>Appendix I</b>.</p> <p>The ACHAR prepared by Tocomwall Pty Ltd at <b>Appendix L</b> concludes that there are no Aboriginal objects, sites, PAD or Places within the study area, and that the soils in the study area. As such, there are no anticipated impacts to areas of indigenous importance.</p>



Matter to be considered	Objectives	Comment
	(b) <i>Integrate the primary schools with the neighbourhood centres and community uses.</i>	JPPS is integrated with neighbourhood centres given its close proximity to The Ponds Community Hub (approximately 80m north west of the site) and The Ponds Shopping Village (north of the site).
<b>3.2.1 Site access and linkages</b>	<p><i>Objective</i></p> <p><i>Provide linkages that create connections within the site and to adjoining places.</i></p>	JPPS already has existing pedestrian access points that provide linkages to the broader The Ponds suburb and to adjoining places including The Ponds Shopping Centre (north of the site), The Ponds Community Hub (north west of the site), Plaza Park and Second Ponds Creek (west of the site).

## 2.15 Development Contributions

Blacktown City Council's Section 7.11 Contributions Plan No. 5 – Parklea Release Area applies to the proposed development site.

The Contributions Plan indicates that the site forms part of an area that was entered into a VPA executed between Landcom and Council on 12 October 2006. Under the agreement, rather than paying Council monetary Section 94 Contributions, Landcom were to provide in-kind land and infrastructure works as required under this Contributions Plan. This VPA provides a mechanism to provide public infrastructure to the area. Accordingly, there should be no further requirement for contributions.

Local infrastructure contributions are legislated under the provisions of Section 7.12 of the EP&A Act and authorise Blacktown City Council to levy a monetary contribution which is used towards the provision of public amenities and services.

Notwithstanding this, as a Crown authority, Planning Circular D6 represents the consistently held view that the NSW Department of Education provides critical community infrastructure and that to levy any developer contribution on provision of public education facilities increases the cost of such infrastructure for all taxpayers in the State. Therefore, a condition requiring developer contributions under Section 7.11 or 7.12 is not accepted in any circumstance.