



Prepared for  
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Appendix B Statutory Compliance

# Upgrades to Glenwood High 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:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Biodiversity Conservation Act 2016;
- Water Management Act 2000;
- Roads Act 1993;
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- 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);
- 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 (BLEP).

# 2. Compliance with Controls

## 2.1 Commonwealth Environment Protection and Biodiversity Conservation Act 2019 (EPBC Act)

The Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) contains the provisions for the assessment of actions likely to have a significant impact on Matters of National Environmental Significance (MNES) listed under the Act. Part 3 of the EPBC Act provides requirements for environmental approvals where there is significant impact.

The EPBC Act also includes World Heritage as a Matter of National Environmental Significance and protects listed places to the fullest extent under Australian Law. Of the nine MNES listed under the Act, the one (1) MNES considered relevant to the Study Area was potential impacts on listed threatened species or communities, regarding the presence of Cumberland Plain Woodland within the Study Area.

However, the vegetation within Vegetation Zone 1 does not meet the definition of the Critically Endangered Ecological Community Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest as listed under the EPBC Act. Therefore, a referral to the Commonwealth Minister for the Environment is not considered necessary.

## 2.2 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).
(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.
(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 O</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; and
- improved valuation, pricing and incentive mechanisms.

The proposed development is consistent with ESD principles as described in **Section 6.6** and **Appendix U** of the 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

<b>Section 4.15(1) Evaluation</b>	<b>Consideration</b>
(a)(i) any environmental planning instrument	Satisfactorily complies. Consideration of the relevant EPIs is provided in this Appendix.
(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 2.13</b> of this appendix.
(a)(iii) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation.
(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 <b>Appendix C</b> 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.

### **2.3 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 S**) which considers the removal of vegetation. The proposed development will impact 0.03 ha of planted native/exotic vegetation, and 0.13 ha of exotic grassland (managed).

The proposed development layout is positioned to avoid direct impacts to the *Cumberland Plain Woodland in the Sydney Basin Bioregion*, a Critically Endangered Ecological Community (CEEC) listed under the BC Act, and the habitat in which it provides for local biodiversity.

As a result, no impacts to threatened ecological communities, threatened species, threatened populations or their habitat is expected to occur as part of this proposed development. 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 5.3 of **Appendix S**.

## **2.4 Water Management Act 2000**

Waterfront land is the bed of any river, lake or estuary, and the land within 40 metres of the highest bank of the river, the shore of the lake or the mean high-water mark of the estuary. Works to waterfront land as defined under the Water Management Act 2000 ordinarily require controlled activity approval. However, Section 4.41 of the EP&A Act provides that controlled activity approval under the Water Management Act is not required where consent is sought under an SSD application.

There is an existing watercourse that lies to the north of the site. This watercourse is occupying a reserve that is zoned SP2 Infrastructure – Drainage Channel. Accordingly, this watercourse functions as a drainage reserve for the locality. This watercourse is a tributary of Caddies Creek system and is regarded as a first order watercourse in accordance with the Strahler System.

The Office of Water Guidelines for riparian corridors on waterfront land defines the width of the riparian corridor for a watercourse of the first order to be 10 metres from each side of the watercourse. In this case, the extent of the SP2 zoned land (i.e., up to the splayed property boundary of the subject site) is taken to be the extent of the watercourse and the beginning of the riparian corridor.

The proposed new three storey building is located greater than 10 metres from this property boundary and therefore is outside the assumed extent of the riparian corridor. The proposals stormwater system and landscaping are both located within 10 metres of the property boundary. Notwithstanding this, these elements of the development are not considered to result in any harm to the riparian land and watercourse.

The stormwater system includes inground pipes that collected stormwater runoff generated by the development and carries this runoff to an on-site detention system which is located approximately 5 metres from the property boundary. The Office of Water Guidelines indicate that this distance is acceptable for a first order stream, which permits basins within 50% of the outer corridor width.

This runoff is then treated to Council's standard for water quality before being discharged into Council infrastructure with the road reserve that eventually leads to the drainage channel, ensuring the water from the site does not diminish existing water quality in the channel. Refer to the Civil Report at **Appendix X** for further detail. Measures to control erosion of sediment from construction activities is also captured in the Civil Report.

Regarding the ecological value of the watercourse, there are no recorded biodiversity values of high significance. Vegetation along the watercourse has been planted there as part of the drainage channel works. Notwithstanding this, vegetation to be planted within proximity of the channel comprises a mix of Cumberland Woodland species as well as Australian native tree species.

Furthermore, measures have been identified in Section 5.3 of the BDAR to prevent indirect/direct impacts to vegetation because of the development. Subject to the implementation of these measures it is unlikely that the proposed development will significantly impact the integrity of vegetation within the drainage channel.

In this regard, it is considered that the proposed development will ensure the ongoing integrity of the watercourse.

## **2.5 Roads Act 1993**

Separate consent under Section 138 of the Roads Act 1993 will be required for the proposed development to occur, mainly for stormwater connection to Council infrastructure within the road reserve of Glenwood Park Drive.

## **2.6 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 has a CIV greater than \$20 million.

## 2.7 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 includes works in 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.

## 2.8 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. There are no existing community uses and none proposed with this SSDA.</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</p>

	<p>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. There are no existing community uses and none proposed with this SSDA.</p>
<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.</p> <p>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 has been designed so that it is compatible with its streetscape setting along Glenwood Park Drive.</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 U</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 AF</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)</p>

	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).
<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 facilities within the overall transport strategy for the project. This includes a new pedestrian entry point to Glenwood Park Drive, bicycle 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 SINSW planning grid, which was created by SINSW. The SINSW 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>

## 2.9 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 the Civil Report prepared by enstruct at **Appendix X**.

## **2.10 State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (Bushland SEPP) applies to land adjoining land zoned or reserved for public open space.

The proposed activity is adjoining to Glenwood Reserve which is RE1 zoned land to the west and north. The proposed development will impact a total of 0.02 ha of planted native/exotic vegetation and 0.16 ha of exotic grassland (managed) which are proposed to be removed from the site – no vegetation in the adjoining Glenwood Reserve will be impacted because of this DA.

In this case, it is considered that Clause 9 of the Bushland SEPP has been satisfied given that:

- An assessment of significance pursuant to BC Act has determined that impacts to threatened species, threatened ecological communities or other key biodiversity values were considered likely by the proposed development; and
- The proposed development will not impact the land reserved for public open space purposes and in particular,
  - the erosion of soils, the siltation of streams and waterways will be managed through the implementation of an Erosion and Sediment Control Plan (this is included as a condition of consent); and
  - The spread of weeds and exotic plants because of the proposed development to bushland within the RE1 zoned land will be mitigated through the implementation of the measures outlined in Section 5.3 of the BDAR.

## **2.11 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 R** 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 construction of the proposed development.

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

Subject to the implementation of these recommendations, it is considered that the site can be made suitable for the proposed development.

## **2.12 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.

## **2.13 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the Blacktown LGA. Clause 7 of the Vegetation SEPP specifies that a permit must be granted from Council for the clearing of vegetation that is declared by a development control plan to be vegetation to which the clause applies, in any non-rural area of the State. The proposal seeks approval for clearing of vegetation as part of this SSDA. The clearing of vegetation does not exceed the biodiversity offsets scheme threshold. Refer to the BDAR at **Appendix S**.

#### 2.14 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 R**.

#### 2.15 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).

#### 2.16 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.

Given the proposed development is above the proposed threshold trigger of \$50 million, it will meet the trigger to be considered as an SSD.

#### 2.17 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>	Yes	Development for the purpose of a 'educational establishment' on the site is permitted use in the SP2 Infrastructure zone. Hence, the

<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>		<p>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 GHS 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>
<b>2.7 – Demolition requires development consent</b>	Yes	Demolition of existing buildings and 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> <p>Similarly, no known archaeological remnants are located within the site boundary and therefore the proposed development will have no impact on archaeology finds.</p>
<b>5.12 Infrastructure Development and Use of Existing Buildings of the Crown</b>	Yes	The proposed works may be carried out by the proponent.
<b>5.21 – Flood planning</b>	Yes	<p>The Section 10.7(2)&amp;(5) planning certificate for the site indicates that there are no flood related development controls that apply to the land.</p> <p>Notwithstanding this, a letter from Blacktown City Council regarding flooding constraints at the site, has noted that ‘there is possibility that the lot is subject to currently un-mapped</p>

		<p>overland flooding'. Refer to Council's Flood Advice Letter at <b>Appendix Z</b>.</p> <p>A Flood report has been prepared by enstruct which can be found at <b>Appendix Y</b>. This report has been prepared in accordance with the requirements of Council's letter and addresses Clause 5.21 of BLEP 2015.</p> <p>Refer to Section 6.11 of the EIS for further discussion.</p>
<b>7.2 – Terrestrial biodiversity</b>	Yes	<p>Biodiversity is mapped in a very localized portion of the site, under BLEP 2015. However, this mapped area of biodiversity is located approximately 100m north-west of the proposed development.</p> <p>Furthermore, this clause does not apply to Vegetation Zone 1 as identified in the BDAR. It is highly unlikely that the works will impact this area of mapped biodiversity. No further assessment is necessary.</p>
<b>7.3 - Riparian land and watercourses</b>	Yes	<p>The site adjoins an existing drainage channel to the north-east zoned as SP2 Infrastructure. The channel is not mapped as being a watercourse or within riparian land. Refer to discussion in <b>Section 2.4</b> of this Appendix for classification of this channel.</p> <p>Subject to the implementation of an Erosion and Sediment Control Plan, the proposed activity will not affect the water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, or ecological processes within watercourses and riparian areas.</p> <p>Furthermore, the proposed development will provide for additional tree plantings within proximity of the riparian land. These species include a mix of species endemic to the Cumberland Plain Woodlands and consistent with Part 3 of Council's DCP which are endemic to Australia.</p> <p>In addition, Section 5.3 of the BDAR provides measures to prevent any direct/indirect impacts on vegetation because of the construction of the proposed development.</p>

		Given the above, the proposed development is considered to meet the objectives of the local provision.
<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 existing services in order serve the proposed development.</p>

## 2.18 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

<b>Matter to be considered</b>	<b>Objectives</b>	<b>Comment</b>
<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 17.6% to 24.1% 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> </ul>	Based on the capacity of 1,820 students, an estimated 133 staff, and an estimated 300 Year 12 students, the total on-site parking requirement based on the DCP rates would be 181 spaces. As no parking for students is to be provided on any Department of Education site, the parking requirement considering staff only would be 133 spaces.



	<p>(b) Ensure an adequate environmental quality of parking areas (both safety and amenity)</p> <p>(c) Provide parking areas that are convenient and sufficient for the use of employees and visitors generated by new developments.</p>	<p>On completion of the proposed works, the development would accommodate 93 on-site staff car parking spaces for the high school (plus separate provisions for the Goodstart Early Learning Centre adjoining GHS). This would be equivalent to a rate of 0.7 spaces per staff member, with no provision for visitor parking on-site, which is lower than the DCP rate. Justification for this departure is provided in <b>Section 6.7</b> of the EIS.</p>
<b>8.1 Solar access</b>	<p>New development should retain reasonable levels of solar access to neighbouring properties and the public domain.</p>	<p>By virtue of the new building location, orientation of the site and the physical separation afforded by a combination of the setbacks and the width of Glenwood Park Drive, 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>.</p>
<b>8.4 Crime prevention through environmental design</b>	<p>Council has a responsibility to ensure that development provides safety and security to users and 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.</p>	<p>A Crime Prevention through Environmental Design (CPTED) Assessment has been included in 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.</p>
<b>9 Development on flood prone land</b>	<p>Council's primary aim in relation to the development of flood prone land is to reduce the impact of flooding and flood liability on individual owners and occupiers and to reduce private and public losses resulting from flooding.</p>	<p>The Section 10.7(2)&amp;(5) planning certificate for the site indicates that there are no flood related development controls that apply to the land. Notwithstanding this, a letter from Blacktown City Council regarding flooding constraints at the site, has noted that 'there is possibility that the lot is subject to currently un-mapped overland flooding'. Refer to Council's Flood Advice Letter at <b>Appendix Z</b>.</p> <p>A Flood Study Report has been prepared for the proposed development by enstruct group, at <b>Appendix Y</b>. The Flood Report concludes that the site is not inundated by the 1%, 0.5% or 0.2% AEP. The site is inundated by the rare PMF flood event. In this case, the proposed</p>

		development is designed so that the ground floor level is above the PMF flood level.  Subject to emergency management procedures in the event of a flood, the proposal is considered to be acceptable.
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**Part G – Site Waste Management and Minimisation**

<b>3 Performance criteria</b>	Require management to minimise the generation of waste and ensure the appropriate separation, storage and collection of waste.	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 AB and AC</b> , respectively. Both plans outline provisions that will inform operational and construction waste management measures required on site once planning approval is sought.  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.
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**Part J – Water Sensitive Urban Design and Integrated Water Cycle Management**

2.1 Development to which this Part applies	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.  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 onsite stormwater detention map.	Hawkesbury River sub-catchments Permanent OSD are required as per the stormwater detention map.  An underground OSD tank system has been included in the proposed development. Similarly, devices are proposed to ensure the water quality of stormwater run-off before entering Council’s drainage infrastructure.  For further detail, refer to the Stormwater Management Plans at <b>Appendix C</b> of the Civil Report at <b>Appendix X</b> .
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**2.19 Development Contributions**

Blacktown City Council’s Section 7.11 Contributions Plan No. 5 – Parklea Release Area applies to the proposed development site. The proposed development is not exempt under the Plan for payment of 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.