



planning consultants

APPENDIX C

Statutory Compliance Tables

SSD-41372302

Marsden Park New High School and Melonba New Primary School

20 Kaluta Avenue and 10 Swallowtail Street, Melonba (Lot 30 DP 1237735)

Prepared for: School Infrastructure NSW
October 2022

1 Environmental Planning & Assessment Act – Consistency with the Objects

Proposed Development's Consistency with the Objects of the EP&A Act		
Object of the EP&A Act	Assessment	Consistent
(a) <i>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,</i>	The proposal involves two (2) new schools on urban/ growth centre zoned land and are essential services for the growing community. The schools facilitate a better environment for the new community by providing them in a timely way as the school community within the catchment grows. The proposal will not result in significant adverse environmental impacts and will improve the social, environmental and economic welfare of the community.	Yes
(b) <i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal includes various measures aimed at minimising energy and water consumption and is considered to be consistent with the objectives of ecologically sustainable development (see Ecologically Sustainable Development Report at Appendix O).	Yes
(c) <i>To promote the orderly and economic use and development of land,</i>	The site is zoned for urban purposes and the Blacktown Growth Centre Precinct strategic planning process identified the site for the two (2) schools. The proposal will result in the orderly and economic development of the land.	Yes
(d) <i>To promote the delivery and maintenance of affordable housing,</i>	This object is not applicable to the proposal.	N/A
(e) <i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The proposal is considered to have a minimal impact on native animals and plants, including threatened species, populations and ecological communities and their habitats. The site is biodiversity certified land and does not contain any significant vegetation.	Yes
(f) <i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposal has involved input on heritage, and it is not identified as a heritage item or a site of Aboriginal heritage significance. Local representatives of the Aboriginal community have been consulted (Section 5 and 6.11 , and Appendix D, CC and DD of the Assessment).	Yes
(g) <i>To promote good design and amenity of the built environment,</i>	An Architectural Design Report (Appendix H) has been provided which addresses good design and amenity of the built environment, as set out in Section 6.1 of the EIS.	Yes
(h) <i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The building has been designed in accordance with the BCA, Australian Standards and the DDA as outlined in Section 6.14 and Appendix K and L of the assessment.	Yes
(i) <i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The proposed development has been assessed against the various Commonwealth and State statutes and local policies and has involved consultation with relevant levels of government.	Yes
(j) <i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	The proponent has actively engaged with relevant government agencies and consulted the community during the statutory assessment process and in accordance with the SDD's EIS Guidelines.	Yes

2 SEPP Resilience and Hazards

Assessment under SEPP Resilience & Hazards – Chapter 4 Remediation of Land	
Provision	Assessment
Clause 4.1 – Objects	
(1) <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i>	This assessment has considered whether the Site contains any contaminated lands.
(2) <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i> (a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i> (b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> (c) (1)	The assessment has considered whether the Site contains any contaminated lands.
Clause 4.6 - Contamination and remediation to be considered in determining development application	
(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i> (a) <i>it has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> (c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	A Preliminary Site Capability Investigation (Appendix V) and Contamination Assessment Report (Appendix Y) has been provided, which has considered whether any lands of the Site are contaminated. The reports do not identify any contaminated lands within the site.
(2) <i>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	A Site Capability Investigation (Appendix V) and Detailed Site Investigation (Appendix Z) has been provided, which has considered whether any lands of the Site are contaminated. The reports do not identify any contaminated lands within the site.
(3) <i>The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	A Preliminary Contamination Report (Appendix X) and Contamination Assessment Report (Appendix Y) has been provided, which has considered whether any lands of the Site are contaminated. The reports do not identify any contaminated lands within the site.
(4) <i>The land concerned is—</i> (a) <i>land that is within an investigation area,</i> (b) <i>land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines</i>	N/A

Assessment under SEPP Resilience & Hazards – Chapter 4 Remediation of Land

Provision	Assessment
<i>is being, or is known to have been, carried out,</i> (c) <i>to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</i> <i>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i> <i>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i>	

3 SEPP Planning Systems

Assessment under SEPP Planning Systems - Chapter 2 State and Regional Development

Provision	Assessment
Clause 2 – Aims	
(a) <i>to identify development that is State significant development,</i>	The proposal is SSD, as Clause 2.6 identifies development for this purpose in Schedule 1, in this case.
(b) <i>to identify development that is State significant infrastructure and critical State significant infrastructure,</i>	N/A
(c) <i>to identify development that is regionally significant development.</i>	N/A
Clause 2.6 – Declaration of State significant development: section 4.36	
(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i> <i>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i> <i>(b) the development is specified in Schedule 1 or 2.</i>	Schedule 1 lists Educational establishments as SDD that is development that has a capital investment value of more than \$20 million that is for the purpose of a new school. The proposal is for two (2) new schools on the site.

4 SEPP Transport and Infrastructure

Assessment under SEPP Transport and Infrastructure - Chapter 2 Infrastructure	
Provision	Assessment
Clause 2.1 – Aims	
<i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i>	The proposal is SSD, and is being assessed in accordance with the SSD Guidelines.
<i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i>	
<i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i>	The proposal is on a Site that is identified for an Educational establishment in the Blacktown Growth Centre Precinct prepared by the State Government and the council.
<i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i>	N/A
<i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i>	The SEARs process for the proposal has identified the environmental assessment requirements and is addressed in this EIS.
<i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i>	The SEARs process for the proposal has identified the environmental assessment requirements and is addressed in this EIS.
<i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i>	The consultation with public authorities on the proposal is set out in Section 5 of the EIS.
<i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i>	An Architectural Design Report (Appendix H) has been provided which addresses good design and amenity of the built environment, as set out in Section 6.1 of the EIS.
Clause 2.119 – Impact of road noise or vibration on non-road development	
<i>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i>	The Site is not adjacent to a road corridor and it is unlikely to generate a 20,000-vehicle volume per day, based on the planned 3,000 students and 219 staff for the school. The Traffic Volume Viewer on the TfNSW's website indicates no traffic data for roads in the vicinity of the Site. The Site is green field development in a new residential area.
<i>(a) residential accommodation,</i>	
<i>(b) a place of public worship,</i>	The roads adjacent to and around the school Site are local roads managed by Blacktown Council. Kaluta Avenue is a collector road and is where the bus bay will be located.
<i>(c) a hospital,</i>	
<i>an educational establishment or centre-based child care facility.</i>	A Traffic and Accessibility Impact Assessment Report (Appendix P) has been provided, which addresses traffic impacts as set out in Section 6.5 of the EIS.
<i>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.</i>	N/A
<i>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i>	N/A

Assessment under SEPP Transport and Infrastructure - Chapter 2 Infrastructure

Provision	Assessment
(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i> (b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	
Clause 2.121 – Traffic-generating development	
(1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i>	Schedule 3 includes any development that generates 200 or more motor vehicles with access to a road. It is likely the proposal will generate 200 or more vehicles per hour with planned 3,000 students and 219 staff across the two (2) schools. TfNSW have been engaged through the design process and their responses have been recorded in the Community Engagement Summary Report at Appendix D.

Assessment under SEPP Transport and Infrastructure - Chapter 3 Educational establishments

Provision	Assessment
Clause 3.1 – Aims	
<i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i> (a) <i>improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i>	The proposal is SSD and is being assessed in accordance with the SSD Guidelines and the issued SEARs.
(b) <i>simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i>	The proposal is SSD and is being assessed in accordance with the SSD Guidelines and the issued SEARs.
(c) <i>establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i>	The proposal is SSD and is being assessed in accordance with the SSD Guidelines and the issued SEARs.
(d) <i>allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i>	While the State Government owns the site, it is not 'surplus government land', in the meaning of this clause.
(e) <i>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i>	The consultation with public authorities on the proposal is set out in Section 5 of the EIS.
(f) <i>aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i>	N/A
(g) <i>ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i>	Noted.

Assessment under SEPP Transport and Infrastructure - Chapter 2 Infrastructure

Provision	Assessment
(h) <i>encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i>	The consultation with the community on the two (2) schools and the potential joint and shared use of facilities of the schools is set out in Section 3.1 of the EIS.

5 SEPP Industry and Employment

Assessment under SEPP Industry and Employment - Chapter 3 Advertising and Signage	
Provision	Assessment
Clause 3.1 – Aims, objectives etc	
(a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of any area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and	The character of the locality in the vicinity of the site generally consists of low density residential development with supporting community and educational development, and open space. Appropriate signage is proposed under the SSD proposal.
(b) to regulate signage (but not content) under Part 4 of the Act	N/A
(c) to provide time-limited consents for the display of advertisements in transport corridors, and	N/A
(d) to regulate the display of advertisements in transport corridors, and	N/A
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	N/A
Schedule 5 - Assessment Criteria	
Character of the Area	The character of the locality in the vicinity of that part of the site where the sign is proposed to be located consists of low density residential development. The proposed signage is of a scale which is considered suitable for the length and scale of the built form and the size of the site, and will not dominate the streetscape. The proposed sign provides for important way-finding and sense of place.
Special Areas	The proposed signage will not detract from the amenity or visual quality of the site.
Views and Vistas	No views or vistas will be adversely affected by the proposed signage.
Streetscape, Setting or Landscape	The proposed signage is of a style and scale which is considered suitable for the length and height of the built form and the size of the site, and will not dominate the streetscape.
Site and Building	The extent of the signage is reasonable having regard to the scale and street-frontages of the site.
Associated devices and logos with advertisements and advertising	No associated devices are proposed.
Illumination	A digital electronic LED signs will be set 2.1 metres above the ground on steel frame posts and measuring 2.4 x 1.5 metres at the main entry of each school. Illumination of other signage is not proposed.
Safety	The proposed building signage will be fixed to the building façade or securely footed in the ground. The proposed signage will be set back into the property boundary and therefore there will be no adverse public safety concerns for pedestrians, cyclists or motorists. In addition, the proposed signs will not obscure or interfere with road traffic signs and signals.

6 SEPP Biodiversity and Conservation

Assessment under SEPP – Biodiversity and Conservation - Chapter 2 Vegetation in non-rural areas	
Provision	Assessment
Clause 2.1 – Aims	
(a) <i>to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i>	Noted
(b) <i>to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>	The site is cleared and levelled in anticipation for urban development.
Clause 2.3 Land to which Chapter applies	
Local government areas	SEPP applies to Blacktown local government area
Zones in environmental planning instrument	SEPP applies to R2 zone
Clause 2.9 Land to which Chapter applies	
Development control plan	This part applies to vegetation in any non-rural area declared in a DCP to which this part applies. If so, the council may issue a permit to the landholder to clear vegetation. The Site is not declared in a DCP.
Assessment under SEPP – Biodiversity and Conservation - Chapter 6 Bushland in Urban Areas	
Clause 6.1 – Aims, objectives etc	
(1) The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of— (a) its value to the community as part of the natural heritage, (b) its aesthetic value, and (c) its value as a recreational, educational and scientific resource.	SEPP applies to Blacktown local government area.
(2) The specific aims of this Chapter are— (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area, (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term, (c) to protect rare and endangered flora and fauna species, (d) to protect habitats for native flora and fauna, (e) to protect wildlife corridors and vegetation links with other nearby bushland, (f) to protect bushland as a natural stabiliser of the soil surface, (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape, (h) to protect significant geological features, (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores, (j) to protect archaeological relics, (k) to protect the recreational potential of bushland, (l) to protect the educational potential of bushland (m) to maintain bushland in locations which are readily accessible to the community, and	Noted. The proposal is not inconsistent with the aims of Chapter 6.

Assessment under SEPP – Biodiversity and Conservation - Chapter 2 Vegetation in non-rural areas	
Provision	Assessment
(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.,	
Clause 6.8 Land adjoining land zoned or reserved for public open space	
(1) <i>This section applies to land which adjoins bushland zoned or reserved for public open space purposes.</i> (2) <i>Where a public authority—</i> (a) <i>proposes to carry out development on land to which this section applies, or</i> (b) <i>proposes to grant approval or development consent in relation to development on land to which this section applies,</i> <i>the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account—</i> (c) <i>the need to retain any bushland on the land,</i> (d) <i>the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and</i> (e) <i>any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.</i>	The Site is cleared of vegetation and its surrounding environment is also cleared of vegetation, in preparation for the development of the Blacktown Growth Centre Precinct.
Assessment under SEPP – Biodiversity and Conservation - Chapter 9 Hawkesbury-Nepean River	
Clause 9.2 – Aims	
<i>The aim of this Chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i>	SEPP applies to Blacktown local government area.
Clause 9.3 Application of general planning considerations, specific planning policies and recommended strategies	
(1) <i>The general planning considerations set out in section 9.4, and the specific planning policies and related recommended strategies set out in section 9.5 which are applicable to the proposed development, must be taken into consideration—</i> (a) <i>by a consent authority determining an application for consent to the carrying out of development on land to which this Chapter applies, and</i> (b) <i>by a person, company, public authority or a company State owned corporation proposing to carry out development which does not require development consent.</i>	Stormwater management including water quality has been designed in consultation with Blacktown City Council. The site is Biodiversity Certified, void of any significant vegetation and is not an environmentally sensitive area. Flora and fauna communities will be substantially enhanced with the introduction of 444 new trees through this proposal. Cultural heritage is discussed in Section 6.11 of the EIS and in Appendix CC and DD.
(2) <i>Those considerations, policies and strategies should be taken into consideration in the preparation of each environmental planning instrument and development control plan that applies to land to which this Chapter applies.</i>	N/A

Assessment under SEPP – Biodiversity and Conservation - Chapter 2 Vegetation in non-rural areas	
Provision	Assessment
Clause 9.9 Development controls	
(4) <i>Remediation of contaminated land</i> Definition: Removing soil or other deposits from, or otherwise remediating, contaminated land. For the purposes of this definition, contaminated land means land on which hazardous substances occur at concentration levels above background levels, where an assessment (carried out in accordance with guidelines circulated to councils by the Department) has indicated the substances pose, or are likely to pose, an immediate or long-term hazard to human health or to the environment. Consent required.	No contamination is known to be present on site as discussed in Section 6.9 of the EIS.

7 SEPP Precincts – Central River City

Assessment under SEPP – Central River City - Chapter 2 State Significant Development	
Provision	Assessment
Clause 2.7 – State significant precincts	
(1) Each Appendix to this Chapter describes a State significant precinct.	Appendix 11 Blacktown Growth Centres Precinct Plan
(2) The provisions in an Appendix to this Chapter relating to the carrying out of development on a State significant precinct have effect.	Appendix 11 Blacktown Growth Centres Precinct Plan
Appendix 11 Blacktown Growth Centres Precinct Plan	
Clause 2.1 Land use zones. R2 – Low Density Residential Objectives of zone	The proposal is consistent with the purpose of the zone in that the new schools will provide educational services to meet the day to day needs of residents and the well-being of the community. The schools are compatible with the amenity of the R2 zone.
Clause 4.3 Height to buildings	The proposed building heights of 13.5m exceeds maximum height of buildings control of 9 metres applicable to the site. An explanation, assessment of associated impacts and justification is provided in Section 6.1 of the EIS, and in the Architectural Design Report (Appendix H) and Visual Impact Assessment (Appendix I).
Clause 4.4 Floor Space ratio	N/A
Clause 4.6 Exceptions to development standards	Under the provisions of Section 3.43 of the T&I SEPP, clause 4.6 is not applicable to this SSDA.
Clause 5.9 Preservation of trees or vegetation	The proposal requires the removal of 26 x four (4) year old street trees and replace them with 444 mature trees across the site including 35 new street trees within the public realm as detailed in the Landscape Plans (Appendix N).