

Further Decision Statement (2) - Cafeteria

1. Introduction

Barker College (the School) is the proponent for the proposed construction of a single storey cafeteria, located in the centre of the school campus, at the western end of The Avenue, on land known as Lot 1 DP 1262386, No 91 Pacific Highway, Hornsby.

The development has been classified as a Class 1 – Review of Environmental Factors (REF) ‘other development works’ in accordance with the ‘*NSW Code of Practice for Part 5 Activities for registered non-government schools*’ (the Code).

The development has been approved by the issue of a Decision Statement issued for the cafeteria (the original development) dated 31 August 2020.

A Further Decision Statement to address minor amendments to proposal was issued by the School on 23 July 2021 in accordance with section 4.2 of the Code.

2. The original development

The original development is a single storey cafeteria and comprises of two parts connected by an unenclosed although covered pedestrian breezeway and an unenclosed external timber boardwalk adjoining the northern elevation of the cafeteria. The overall gross floor area of the cafeteria is 1425m². A comprehensive landscaping scheme forms part of the original development.

The original development was the subject of an REF dated July 2020, prepared by D.M. Planning Pty Ltd.

On 31 August 2020, a Decision Statement, approving the development, was issued by the School and placed on its website.

3. Development Application DA/1015/2020

On the 7 April 2021, Hornsby Council issued an Approval for DA/1015/2020 for the addition of first and second floor levels above an approved single storey cafeteria for use as a general maths and student hub.

Hornsby Council require that both the REF development (the cafeteria) and the DA development (levels 2 and 3) be constructed simultaneously and have imposed conditions on the Notice of Determination requiring:

- That the construction of all three levels occur concurrently: and
- That the REF be modified, and an alteration of the determination made under the Code by the issuing of a further Decision Statement.

Condition 2 of DA/1015/2020 states:

2. Cafeteria Approval

The single storey cafeteria building located at the ground floor level beneath the approved upper floor additions is not subject to approval under this consent.

Condition 3 of DA/1015/2020 states:

3. Hybrid Approval Strategy

The single storey cafeteria approved in accordance with the Review of Environmental Factors (REF) prepared by D.M Planning Pty Ltd dated July 2020 and the Decision Statement prepared by Barker College dated 31 August 2020 must be constructed concurrently with the approved upper two floor levels subject to this consent.

Condition 7 of DA/1015/2020 states:

7. Modification of Review of Environmental Factors (REF)

To enable the integration of the two developments the REF is to be modified, and an alteration of the determination made under the NSW Code of Practice for Part 5 activities for registered nongovernment schools (August 2017) for the issuing of a further Decision Statement. The modified REF is to be submitted with the Construction Certificate application.

4. Further Decision Statement issued 23 July 2021

As required by the conditions of Development Consent DA/1015/2020, a further Decision Statement to amend the cafeteria development to enable the construction of the two levels, above the cafeteria was issued by the School on 23 July 2021.

The further Decision Statement considered the following amendments:

- The removal of the roof and replacement with a concrete structural slab to form the floor level for Level 2,
- The provision of common vertical circulation (i.e., lifts and stairwells) to enable access to the levels above the cafeteria.

5. Description of the amended activity

The subject Further Decision Statement is in relation to the amended landscape plan detailed in The Landscape Plans (2 sheets) issue D, dated 8/12/2022, prepared by Arcadia.

These plans are contained in 'Attachment A' and form part of this Further Decision Statement.

6. Consultation

Section 4 of the Code does not require consultation for a modified proposal where there are no increased environmental impacts, such is the case here.

The mandatory community consultation of the original development was undertaken between 30 July 2020 and 21 August 2020. Written notice was provided to the relevant State Government agencies being the Sydney Water, Ausgrid, the NSW Rural Fire Service, Roads and Maritime Services, and Hornsby Council as well as the owners of neighbouring properties. These agencies and neighbours were invited to provide response submissions on the proposed activity within 21 business days of the date of the correspondence.

The following three submissions were received:

- Response from Hornsby Council, dated 24 August 2020
- Response from NSW Rural Fire Service, dated 25 August 2020
- Response from Strata Plan 12925 (2B Yardley Ave, Waitara), dated 20 August 2020

All submissions were considered in detail. The issues raised in the correspondence have been assessed and addressed in the assessment of the original activity.

The proposed modifications to the landscaping scheme do not affect the issues raised in the previous submissions.

7. Consideration of Environmental Impacts

The original cafeteria REF assessed the potential impact of the proposed development on the environment and provides measures to avoid, manage and/or offset those impacts during the construction process.

The main issues raised in the REF relate to:

- Legislative planning requirements of Commonwealth, State and local planning policies and legislation, specifically the *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017* (ESEPP) and school planning principles;
- Key environmental considerations, specifically in relation to biodiversity, contamination, tree impacts, visual impacts, traffic and carparking, and heritage planning issues; and
- Efficient construction and operation of educational infrastructure to meet the needs of the growing population in the surrounding region.

The REF addressed the requirements of Part 5 of the EP&A Act by considering, to the fullest extent possible, all matters affecting or likely to affect the environment from the proposed activity. The REF also considered factors prescribed under clause 228 of the EP&A Regulation.

As the amended proposal will not have any increased environmental impacts compared to the activity the subject of the original Decision Statement, the assessment and conclusions made in the REF remain valid and do not require updating.

8. Conclusion

The REF concluded that the cafeteria development is not likely to significantly affect threatened species, populations, ecological communities, or their habitats.

The REF also found that the proposed development is not likely to have a significant impact on matters of National Environmental Significance or Commonwealth land, and therefore does not require a referral under the *Environment Protection and Biodiversity Conservation Act 1999*.

The key conclusions of the environmental impacts detailed in the REF, are accepted for the following reasons:

- The REF has been prepared by persons appropriately qualified and trained to consider and assess the impacts of the proposed development;
- The REF provides a true and fair review of the proposed development in relation to its potential effects on the environment; and
- The REF is comprehensive, examines and takes into account, to the fullest extent possible, all matters affecting or likely to affect the environmental as a result of the proposed development.

The amended proposal will not have any increased environmental impacts compared to the activity the subject of the original REF and Decision Statement.

9. Determination

I David Porter am authorized by Barker College to determine the proposal for a Cafeteria and have not conducted the prior assessment of the Review of Environmental Factors (REF).

I have reviewed and examined the REF prepared by D.M Planning Pty Ltd for the proposed Cafeteria, at Lot 1 DP 1262386, 91 Pacific Highway, Hornsby, in accordance with Part 5 of the EP&A Act.

Having taken into consideration the assessment and evaluation of the proposed development (Cafeteria) outlined in the REF, I determine that it is not likely to significantly affect the environment, and is not likely to significantly affect threatened species, populations, ecological communities or their habitats. I determine that an Environmental Impact Statement (EIS) and Species Impact Statement (SIS) are not required.

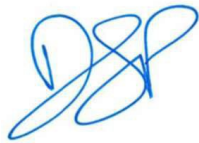
The proposed development may now proceed subject to the following conditions:

1. Certification and compliance to be achieved in accordance with the National Construction Code (NCC).
2. Implementation and compliance with all mitigation measures stipulated in the REF – to minimise the impacts of the development as far as practicable as set out in the REF.

3. The preparation of a Construction Environmental Management Plan (CEMP) – to minimise the impacts of the development as much as practicable as set out in the REF.
4. The development shall take place in generally in accordance with the following plans and documents listed in Condition 1, section 13 of the REF, as amended by the following plans:

Drawing Number	Date	Prepared By
Landscape Plan (Issue D)	8.12.2022	Arcadia

I can confirm that this Further Decision Statement and the REF for the original cafeteria will be made available on the school's website prior to the commencement of the proposed activity.



David Porter
Chief Operating Officer

17 January 2023

Attachment A: Amended Landscape Plan, dated 8 December 2022