

Review of Environmental Factors (modified)

Cafeteria



91 Pacific Highway, Hornsby

Report prepared for Barker College

17 January 2023



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1 Certification

This Review of Environmental Factors, prepared on behalf of Barker College, provides a true and fair review of the proposed development in relation to its potential effects on the environment. It addresses to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the proposed development. To the best of my knowledge, the information contained in this Review of Environmental Factors is neither false nor misleading.

Name of the person(s) and who prepared the REF:	Danielle Deegan
Position and Qualifications of the person(s) who prepared the REF.	Director -D.M Planning Pty Ltd
	Bachelor of Economics
	Grad Dip Planning
Signature:	QQ $oora$
	21 July 2020
	(modified 21 June 2021)
	(modified 17 January 2023)



2 Introduction

This Review of Environmental Factors (REF) has been prepared by DM Planning Pty Ltd on behalf of Barker College ('the school') for a proposed cafeteria at 91 Pacific Highway, Hornsby. It has been prepared in accordance with the 'NSW Code of *Practice for Part 5 activities, for registered non-government schools, August 2017'* (the Code).

The purpose of this REF is to assess the nature, scale and extent of the proposed development on the environment. This report will:

- Describe the proposed development
- Describe the context of the part of the school campus in which the proposed development is to be located
- Identify and evaluate all matters affecting or likely to affect the environment by reason of the proposed development
- Assess the likely impacts of the proposed development on the environment in accordance with Section 5.5 of the Environmental Planning and Assessment Act (EP&A Act) and Clause 228 of the Environmental Planning and Assessment Regulation (EP&A Regulation)
- Consider and address matters raised with the school during the consultation period about the proposed development. This will be contained in an addendum to this report.
- Recommend mitigation measures, which will be finalised following consultation.

The proposed development will be carried out as 'Development Permitted without Consent' under clause 36 of State Environmental Planning Policy - Educational Establishments and Child Care Facilities 2017 (the ESEPP).

Independent legal advice confirms that the proposed development is development permitted without consent, subject to the completion of a REF and compliance with any conditions applying to the carrying out of the proposed development as identified in this REF and any subsequent revision of this REF following consultation.

The proposed development is satisfactory when assessed against all the relevant requirements. The proposed development will improve the amenities that are available to student, staff and visitors to the school and will make a positive contribution to the community. The proposed development is visually sympathetic to the setting of the school and will not have any detrimental environmental or amenity impacts.



3 The site, Setting and Background

3.1 The Site

Barker College is located at No. 91 Pacific Highway, Hornsby being Lot 1 in DP 1262386 ('the school campus'). The school campus is bounded by the Pacific Highway to the north, College Crescent to the west, Clarke Road to the south and Unwin Road to the east. The location of the school campus is shown in Figures 1 and 2 below.



Figure 1. Barker College regional context with location of proposed development shown with blue star (Source: SIX Maps)

The location of the proposed development (the 'development site') is in the centre of the school campus, at the western end of The Avenue (a private road owned and controlled by the school). It is currently occupied by two tennis courts with cricket nets and a demountable classroom building. There is also a small patch of native remnant vegetation, landscaped garden areas and cleared land. The location of the development site is identified in Figure 1 above.

Adjoining the development site to the west is the Phipps sports playing field and to the south is the Rosewood sports playing fields. The Rosewood Centre (carpark and multi-use sports hall) is located to the east of the development site. An assortment of school buildings are located to the north, north-east and north-west of the development site (including the R.E Kefford Building and the McCaskill Music Centre). Various walking paths, managed grass areas, scattered trees and garden areas are located throughout the school campus.



The development site is centrally located within the school campus and will not be visible from outside of the school campus.

The land on which the school campus is located and on which the proposed development is sited is shown in the Survey Plan (6 sheets) prepared by LTS Lockley, contained in Appendix 1.

There are no threatened species, populations, or ecological communities likely to be affected by the proposed development.



Figure 2. Aerial view of the site and its immediate surround (Source: SIX Maps)

Photographs of the development site location are shown below.





Figure 3. The southern side of the development site – tennis courts / cricket nets



Figure 4. View of western side development site from Phipps field





Figure 5. Development site to the left and Rosewood Centre to the right



Figure 6. The northern side of the development site - existing demountable building



3.2 Surrounding locality

The context of the school campus is set by the Pacific Highway to the north, College Crescent to the west and south-west, the Northern railway line and residential areas to the south and south-east.

To the west of the school campus, along College Crescent is high density residential development, and to the west of these units is the main Northern railway line. To the north of the school campus, across Pacific Highway, is a mix of industrial and commercial uses with including numerous vehicle showrooms. To the east of the school campus, on the opposite side of Unwin Road is the Blue Gum Tavern and associated at grade car park (see Figure 7 below). Further south along Unwin Ave is low to medium-density residential development. Directly south of the school campus, across Clarke Road is the former Prep School and a low-density residential development.



Photographs of surrounding land uses are shown in the Figures 7 to 11 below.

Figure 7. The Blue Gum Hotel, located in Unwin Road (opposite The Avenue intersection)





Figure 8. Medium density housing to the east of the school campus



Figure 9. School buildings fronting the northern side of The Avenue





Figure 10. Rosewood Centre (nearing completing), corner of Unwin Rd and The Avenue



Figure 11. The Centenary Design Centre, fronting The Avenue



3.3 Past Approvals

The Hornsby Council website lists the following applications relating to the school campus:

• DA/1174/2019

On 19 February 2020, Development Application DA/1174/2019 for the "installation of solar panels on the roof of an approved sports and learning centre building (Rosewood Centre)" was approved by Council. The Rosewood Centre is a sports and learning centre that was completed in June 2020. The development is a purpose designed and built facility which provides five court spaces, gym and exercise spaces, rooms for dance, general purpose teaching areas, a kiosk, viewing platform and parking for over 150 cars.

• DA/443/2018

On 6 August 2018, development application DA/443/2018 for the erection of 4 Barker College identification signs was approved by Council.

• DA/321/2017

On 8 November 2017, Council approved DA/321/2017 for demolition of existing structures on Lot 2 and construction of a maintenance building for use in conjunction with an existing educational establishment.

On 19 March 2018, the 3 sites the subject of the development were consolidated with the adjoining allotments owned by Barker College, which house the existing Prep School buildings as well as residential dwellings into 1 registered lot.

• CDC J170344

On 31 August 2017, Complying Development Certificate No. J170344 was issued by a Principal Certifier for the demolition of four existing buildings and construction of a new sports and learning precinct to facilitate the Personal Development, Health and Physical Education (PDHPE) department with basement car parking. The development was approved pursuant to State Environmental Planning Policy (Infrastructure) 2007. The approved building which was completed in June 2020 is known as the 'Rosewood Centre.'

• DA/1194/2016

On 13 July 2017, the Sydney North Planning Panel approved Development Application No. DA/1194/2016 for demolition of the existing basketball courts and tennis courts and construction of a new Preparatory School, including a child care centre and an extension to the Junior School Copeland Building in two stages. This consent caps student numbers at 2420.

On 10 October 2017, Council approved a Section 4.55(1A) application (DA/1194/2016/A) to amend condition No.3 relating to tree removal.

On 23 January 2020, Council approved a Section 4.55(1A) application (DA/1194/2016/B) for amendment condition Nos. 1, 20 and 21(c) relating to stormwater management.



On 9 March 2020, Council approved Section 4.55(1) application to amend condition 19 relating to stormwater drainage.

• DA/554/2016

On 7 September 2016, Council approved DA/554/2016 for an outdoor covered area.

The most recent development consent issued by Hornsby Council (other than a complying development certificate) that applies to any part of the school is Development Application DA/1174/2019 for the "installation of solar panels on the roof of an approved sports and learning centre building (Rosewood Centre)". This consent is contained at Appendix 2.

The proposed cafeteria does not contravene any conditions of consent DA/1174/2019. Nor does the proposed cafeteria contravene any conditions of the most recent development consent that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.

• Development Application DA/1015/2020

On 7 April 2021, Hornsby Council issued an Approval for DA/1015/2020 for the addition of first and second floor levels above the single storey cafeteria (subject of this updated REF) 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 The Proposed Development

The proposed development is for the construction of a 1 storey cafeteria at the western end The Avenue cul-de-sac, between Phipps Field and the Rosewood Centre.

In detail, the proposed development comprises of:

1. Demolition

Demolition of the existing tennis courts / cricket nets, demountable building and water tank.

2. Tree removal

Clearance of approximately $400m^2$ of vegetation including the removal of fourteen (14) trees.

3. Built form

Construction of a 1 storey cafeteria in 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.

Internally, the cafeteria contains the following:

 Southern part
 Kitchen including store

Southern part	cold room, dry good store, servery, staff amenities and office
	Dining area / common area, Female and male student toilets, senior student common room
Northern part	A range of informal eating/ lounging spaces for students and staff ancillary to the cafeteria including theatre style seating, incubator spaces and informal meeting spaces

4. Site preparation

Associated earthworks, comprising of minor cut and fill to create a level building platform. Installation of above and below ground services will also be required. Excavation to 4m is required for Onsite Stormwater Detention (OSD) and rainwater tank, which is proposed at the southern end of the development site. The proposed development will not require an alteration to existing traffic arrangements.

5. External materials

External materials comprise of:

- Precast concrete façade with cast-in artwork
- Compressed fibre cement cladding panels
- Concrete slab



- Metal standing seam cladding
- Metal sheet roofing
- Steel awnings, clear double glazing
- Fixed window louvres
- Frameless glass balustrade with handrail

6. Architectural

The proposed development is depicted in the architectural drawings numbered REF 0501, 1000, 1004, 1100, 1101, 1106, 1107, 2001, 2002, 2003, 2201 and 2202 issue D, dated 29/03/2021, prepared by Architectus.

7. Landscaping

A comprehensive landscape scheme forming part of the proposed development has been prepared by Arcadia and is depicted in the plans provided at Appendix 4.

8. Tree protection

A tree protection zone (measuring approximately $77m \times 6m/9m$) will extend along the western side of the proposed development site. Tree protection measures will be implemented for six trees.

9. Civil works

Stormwater from the proposed development will be collected and drained to a combined OSD / rainwater tank located on the southern side of the development site. Overflow will connect to the existing school stormwater system. Stormwater management is depicted in the civil drawings prepared by Henry and Hymas provided at Appendix 5.

10. Operation

Hours of operation of the proposed development will be the same as the existing school hours which are consistent with the most recent development consent applying to any part of the school.

The proposed development will provide services and facilities for students, staff and visitors to the school only and does not allow for an increase in the number of students the school can accommodate or the number of staff employed at the school that is greater than 10% (compared with the average of each of those numbers for the 12 month period immediately before the commencement of the proposed development).

The development is classified as a Class 9b (assembly) under the Building Code of Australia.



5 Modified Cafeteria

The purposed of this revised REF and further Decision Statement is to amend the cafeteria development to enable the construction of the two levels, approved under DA/1015/2020, to occur concurrently.

The following changes to the original cafeteria development are required:

- The removal of the roof;
- The provision of common vertical circulation (i.e., lifts and stairwells) to enable access to the levels above the Cafeteria.

The modified Cafeteria will not affect student or staff numbers and will not require an alteration of traffic arrangements.

The modified Cafeteria is detailed in the Architectural Plans numbered REF 0501, 1000, 1004, 1100, 1101, 1106, 1107, 2001, 2002, 2003, 2201 and 2202 issue D, dated 29/03/2021, prepared by Architectus.

These plans are contained in Appendix 3 and form part of this modified REF.



6 The Proponent

The Proponent details are as follows:

Name:	Barker College
Address:	91 Pacific Highway, Hornsby
Contact:	Georgina Augustesen
Position:	gaugustesen@barker.nsw.edu.au

7 Other approvals

A section73 compliance certificate will be required from Sydney Water.

No other approvals are required.

8 Justification

The proposed development is needed to provide a larger and more functional, centralised cafeteria facility to support staff and students.

Barker College is an independent school that seeks to deliver excellence in education. An important element in achieving this outcome is to offer a high standard of school facilities that provide 21st century, flexible spaces.

The proposed development will accommodate a comprehensive, healthy, cashless cafeteria that is an important part of the modern educational landscape.

Barker's move to a full coeducational structure has been successful and has driven the need for improved facilities to meet the expectations of students, staff and parents.

The existing cafeteria facilities at Barker College no longer meet the standard of excellence or the functional requirements for a modern-day cafeteria to meet the needs and expectations of students, staff and parents.

An alternative to this proposed development would be to do nothing and rely upon the existing facilities. This alternative is rejected on the basis that the size and quality of the existing cafeteria facilities are inadequate and not centrally located. Such an outcome is inconsistent with the obligation of the school to provide adequate amenities to students and staff.



9 Class of Activity

Under the NSW Code of Practice for Part 5 Activities (the Code), the proposed development is classified as Class 1 – Other School Development Works. These are described in the Code as follows:

Class 1 includes construction; operation or maintenance of school buildings and additions to existing buildings, particularly those that are close to residential boundaries, located within bushfire zones or affecting heritage items)

As outlined, in section 3.4 of the Code, an RNS must prepare a REF for all Class 1 development.



10 LEGISLATIVE FRAMEWORK

10.1 Environmental Planning and Assessment Act 1979

The proposed development is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This Review of Environmental Factors (REF) considers the requirements of Clause 228 of the *Environmental Planning and Assessment Regulation 2000* and Section 5.5 of the EP&A Act 1979.

Section 5.5 of the EP&A Act 1979 states:

5.5 Duty to consider environmental impact (cf previous s 111)

(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

<u>Comment</u>: This REF will examine and take into account, to the fullest extent possible, all matters affecting or likely to affect the environment. The REF concludes that the proposed development will have no adverse impacts.

(2) (Repealed)

(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.

<u>Comment</u>: The development site is within a modified environment being a developed area associated with an existing school. The development site is not a wilderness area.

10.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the ESEPP) simplifies planning approvals for schools by introducing exempt and complying development provisions, and development



without consent for specific categories of development within the boundaries of existing schools.

Certain developments are permitted without a development consent from a consent authority, provided an environmental assessment of the likely impacts of the proposed activity in accordance with Part 5 of the EP&A Act is undertaken.

The proposed development is consistent with the types of development that are permitted to be carried out without consent within the boundaries of existing schools. This includes development comprising a library, administration building, portable and permanent classrooms, kiosk, cafeteria, bookshop and car park that are not more than 1 storey high.

Clause 36 of the ESEPP outlines the requirements for development that may be undertaken without consent. Clause 36 of the ESEPP states:

36 Schools-development permitted without consent

(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing school:

(a) construction, operation or maintenance, more than 5 metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, of:

(i) a library or an administration building that is not more than 1 storey high, or

(ii) a portable classroom (including a modular or prefabricated classroom) that is not more than 1 storey high, or

(iii) a permanent classroom that is not more than 1 storey high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or

(iv) a kiosk, **cafeteria** or bookshop for students and staff that is not more than 1 storey high, or

(v) a car park that is not more than 1 storey high,

(b) minor alterations or additions, such as:

(i) internal fitouts, or

(ii) alterations or additions to address work health and safety requirements or to provide access for people with a disability, or

(iii) alterations or additions to the external facade of a building that do not increase the building envelope (for example, porticos, balcony enclosures or covered walkways),

(c) restoration, replacement or repair of damaged buildings or structures,

(d) security measures, including fencing, lighting and security cameras,

(e) demolition of structures or buildings (unless a State heritage item or local heritage item).



(2) However, subclause (1) applies only to development that:(a) does not require an alteration of traffic arrangements (for example, a new vehicular access point to the school or a change in location of an existing vehicular access point to the school), or

(b) in the case of development referred to in subclause (1) (a)—does not allow for an increase in:

(i) the number of students the school can accommodate, or

(ii) the number of staff employed at the school,

that is greater than 10% (compared with the average of each of those numbers for the 12-month period immediately before the commencement of the development).

(3) Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.

(4) A reference in this clause to development for a purpose referred to in subclause (1)
(a), (b) or (c) includes a reference to development for the purpose of construction works in connection with the purpose referred to in subclause (1) (a), (b) or (c).

Note. Section 100B (3) of the Rural Fires Act 1997 requires a person to obtain a bush fire safety authority under that Act before developing bush fire prone land for a special fire protection purpose such as a school.

ESEPP requirement	Compliance / comment	Consistent
It must be within the boundaries of the existing School	The proposed development is to be carried out within the boundaries of the existing School	Yes
It must be carried out by or on behalf of a public authority	For the purposes of clause 36, Barker College is a 'public authority'. This is discussed further below.	Yes
It must fall within a category or categories of development identified in clause 36(1)(a)	The development consists of a cafeteria and therefore meets identified purposes as listed in clause 36(1)(a)(iv)	Yes
It must satisfy the setback and height requirements in clause 36(1)(a);	The proposed development is not more than 1 storey. The development is located at least 5m from any residential boundary under the Hornsby Local Environmental Plan 2013	Yes Yes
It must not result in an alteration of existing traffic arrangements	The proposed development will not result in any alteration to the existing traffic arrangements.	Yes

The proposed development satisfies the criteria in clause 36 of the ESEPP as detailed in the table below.



ESEPP requirement	Compliance / comment	Consistent
It must not allow for an increase in student or staff numbers of more than 10% over the previous year's levels	The proposed development will be conditioned such that it does not allow an increase in staff or student numbers of more than 10% over the previous year's levels and therefore is consistent with clause 36(2)(b).	Yes
It must not contravene certain existing conditions of the most recent development consent that applies to any part of the School	The proposed development does not contravene any conditions of the most recent development consent applying to any part of the School relating to the matters listed in clause 36(3), i.e., hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.	Yes

 Table 1. compliance with clause 36 of the ESEPP

For the purposes of clause 36, Barker College is a 'public authority'. 'Public authority' is defined in the EP&A Act to include a person prescribed by the regulations for the purposes of this definition. The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) includes a definition of 'public authority'. Under the EP&A Regulation, a registered non-government school (RNS) is prescribed as a public authority so that the school can be treated as a public authority for the purposes of clause 36 on land that is a prescribed zone within the meaning of clause 33 of the ESEPP. Clause 277(6) of the EP&A Regulation reads:

'For the purpose of the definition of public authority in section 1.4(1) of the Act, the proprietor of a registered non-government school is prescribed as a public authority (subject to subclause (7)), but only so as:

(a) to enable the proprietor to be treated as a public authority in relation to development in connection with the school that is exempt development under clause 18 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and

(b) to allow the proprietor to be a determining authority within the meaning of Part 5 of the Act for development that is permitted without consent under clause 36 of that Policy on land in a prescribed zone (within the meaning of clause 33 of that Policy). '

Clause 33 of the ESEPP lists a number of different zones as 'prescribed zones' including:

(f) Zone R2 Low Density Residential

The majority of the Barker College campus is zoned R2 Low Density Residential under the Hornsby Local Environmental Plan 2013 (HLEP).



Clause 5(6) of the ESEPP states:

(6) A reference in this Policy to a lot or to land in a named land use zone is a reference—

(a) to land that, under an environmental planning instrument made as provided by section 3.20(2) of the Act, is in a land use zone specified in the Standard Instrument, and

(b) to land that, under an environmental planning instrument that is not made as provided by section 3.20(2) of the Act, is in a land use zone in which equivalent land uses are permitted to those permitted in the named land use zone.

Consequently, Barker College is a determining authority for the purposes of clause 36 of the ESEPP and the proposed development can be carried out as development permitted without consent under the ESEPP.

10.3 NSW Code of Practice for Part 5 Activities

The NSW Code of Practice for Part 5 activities, for registered non-government schools, August 2017 (the Code) has been developed to regulate how registered non-government schools (RNSs) carry out the environmental assessment and determination of activities permitted without consent by the ESEPP. RNSs are required (like other public authorities) to undertake an environmental assessment under Part 5 of the EP&A Act before carrying out the activity.

This REF has been prepared in accordance with the requirements of the Code.

RNSs must follow the assessment process outlined in Section 3 of the Code before carrying out development that is identified as 'development permitted without consent' in the ESEPP.

The Code provides a five-stage assessment process for RNSs. These are:



• Stage 1 – Classification

<u>Comment</u>: As stated in section 7 of this REF, the proposed development is classified a Class 1: Other school development works.

• Stage 2 – Assessment

Comment:

A detailed assessment of the proposed development has been undertaken. Further scoping and assessment will occur after the mandatory consultation period.

The Code also requires the REF to identify any other approvals that will be required as part of Stage 2. Other than a section 73 certificate from Sydney Water, there are no other approvals required

Stage 3 – Documentation

<u>Comment</u>: This REF represents Stage 3 – Documentation.

• Stage 4 – Determination

<u>Comment</u>: Determination will be undertaken by a person authorised by Barker College to discharge their duty as an RNS, to comply with the Code. A Decision Statement to document the determination will be produced.

• Stage 5 – Implementation

<u>Comment</u>: Implementation includes obtaining other approvals (i.e. the section 73 certificate from Sydney Water), building certification and preparing management plans.

10.4 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) does not technically apply to 'development permitted without consent', applying only to Development Applications.

However, for the sake of completeness, the proposed development has been assessed against the requirements of SEPP 55 below.

SEPP 55 aims to provide for a State-wide planning approach to the remediation of contaminated land. A Preliminary (desktop) Site Investigation (PSI) has been prepared for the proposed development by JK Environments (JKE) (Appendix 7).



Clause 7 of SEPP 55 requires consideration as to whether land is contaminated prior to granting approval to carrying out of any development on that land. In this regard, the PSI has identified the following potential contamination sources and areas of environmental concern (AEC):

- Fill material The site appears to have been historically filled to achieve the existing levels. The fill may have been imported from various sources and could be contaminated. Two geotechnical boreholes (BH1 and BH2) drilled within the site boundary encountered relatively shallow sandy fill (0.3mBGL to 0.5mBGL) over natural silty clay soil;
- Use of pesticides Pesticides may have been used beneath the buildings and/or around the site;
- Hazardous Building Material Hazardous building materials may be present as a result of former building and demolition activities. These materials may also be present in the existing structures on site; and
- Off-site area The former motor garages and the Caltex service station located approximately 100m to the north-east of the site is located up-gradient of the site and is considered to be a potential source of contamination.

JKE conclude that while there is a potential for the development site to be contaminated, the historical land uses and potential sources of contamination identified would not preclude the proposed development.

JKE recommend the following measures to better assess the risks associated with potential contamination at the development site:

- A preliminary intrusive investigation within the development site; and
- A hazardous building materials survey for the structures at the development site.
- Following demolition of the structures on the development site, an asbestos clearance certificate should be provided.
- A waste classification be undertaken to classify material to be excavated for the proposed development.

These requirements will form conditions that the school must comply with in undertaking the proposed development (refer to mitigation measures listed in Section 13)

Contamination issues are discussed in further detail in section 11 of this REF.



10.5 Hornsby Local Environmental Plan 2013

Zoning of land and permissibility

As identified in the Hornsby Local Environmental Plan 2013 (HLEP) zone map extract below (Figure 13), the majority of the school campus is zoned R2 Low Density Residential with a very small section of land zoned B6 Enterprise Corridor.

The development site is zoned R2 Low Density Residential.



Figure 12. HLEP 2013 zoning map extract (source: NSW Planning Portal)

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses, that provide facilities or services to meet the day to day needs of residents.

The proposed development is ancillary to an 'educational establishment' under the HLEP and is permissible in the zone with Council's consent. The proposed development is ancillary to a land use that provides facilities and services that meet the day to day needs of residents and is therefore consistent with the objectives of the zone.



Clause 4.3 - Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible building height for the development site is 8.5 metres. This development standard does not apply to proposed development which is subject to the height provisions for 'development permitted without consent' contained in clause 36 of the ESEPP which is 1 storey.

Clause 5.10 – Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. As identified in Figure 14 below, Barker College is listed as a local heritage conservation area 'Barker College Heritage Conservation Area' (HCA) under Schedule 5 in the HLEP.



Figure 13. Extract from HLEP 2013 heritage map

Select buildings within the school campus are individually listed as heritage items, including Barker College Junior School – No. 465, Group of buildings, grounds and gate – No. 782 and the Centenary Design Centre, McCaskill Music Centre and Development Office - No.501.

The school is also located in the vicinity of a heritage listed House and Garden (No. 779) located at Nos. 27-31 Clarke Road, Hornsby.

Barker College is a place of local historical and social significance as a private school established in 1896, which has continuously occupied and expanded. The



HCA comprises of buildings, landscaping and natural vegetation that reflect the history of the school. The school campus contains a significant group of buildings (from 1896 to present), including the work of significant architects that are collectively valued for their high degree of architectural merit and provide an aesthetic distinction for the school grounds.

The Heritage Impact Statement prepared in support of the proposed development (Appendix 8) concludes:

"The proposed Barker College Cafeteria Building will have no adverse impact on the heritage significance of Barker College as a heritage item and conservation area.

The design of the building is contemporary, in a precinct of recent educational buildings of an institutional scale. The building replaces sporting facilities that were covered in hardstand, and also replaces a relocatable building.

All existing significant views within Barker College will be retained and the character of the Conservation Area will be unaffected.

The proposed development is consistent with the heritage objectives of the Hornsby LEP 2013 and is also consistent with the intentions of the Hornsby DCP 2013 when applied to an educational precinct of greater scale than detached suburban housing. In our view, Hornsby Shire Council should have no concern about the impact of this development on the heritage item and conservation area of Barker College."

The assessment undertaken in section 11 of this REF concludes that the proposed cafeteria will not have any impacts on the heritage significance of these items or conservation area.



11 Consultation

Mandatory consultation was undertaken in accordance with Section 3.3.3 of the Code.

Consultation requirements are detailed under Part 2 Division 1 of the ESEPP, e.g. Council (for flood prone land, heritage and council related infrastructure or services), State Emergency Services (development on flood liable land), NSW Rural Fire Service (bush fire prone land), Roads and Maritime Services (specified development)

Consultation letters were sent to:

- Hornsby Council
- Relevant government agencies
- All relevant surrounding neighbours.

The consultation letter contained the following information:

- A description of the proposed activity, including its location
- A scope of works
- A link to the REF documents
- An invitation for submissions to be made to Barker College on the proposed activity within no less than 21 business days from the date of the correspondence
- The contact details of the Barker College nominated representative to receive submissions in writing.

Postal address:	Barker College
	Attention, David Porter, Chief Operating Officer,
	91 Pacific Highway
	Hornsby NSW 2099
Email address:	dporter@barker.nsw.edu.au

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 in the assessment of the original activity.

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



12 Environmental Impact Assessment

The proposed development comprising a cafeteria that is not more than 1 storey high within the Barker College campus. Environmental impacts have been assessed as acceptable for the following reasons:

- The proposed development is within the boundaries of an existing school.
- The proposed development is compatible with the existing surrounding land uses.
- The proposed development will not allow for an increase in student or staff numbers of more than 10% over the previous year's levels or result in an alteration of existing traffic arrangements.
- The proposed development will improve resources for the students and staff.
- Any potential environmental impacts will be mitigated through appropriate measures.

12.1 Clause 228 Consideration

Clause 228 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) details factors which must be taken into account when assessing the impact of an activity on the environment.

Table 1 below lists the factors requiring consideration under clause 228. A more detailed analysis of environmental impacts are contained in section 10 and mitigation measures are contained in section 12 of this REF.

Factors for consideration	Response
(a) Any environmental impact on a community	Construction impacts can be controlled by workplace and construction site management. The spatial separation of the proposed development from surrounding residential development and the main school buildings indicate the works can be undertaken with little impact or disruption to the amenity of the neighbourhood or the function of the school.
	The following planning principles provided in Appendix C of the Code have been addressed in Section 11.2 below:
	contextbuilt form
	adaptive learning spacessustainability
	landscapeamenity
	 health and safety
(b) Any transformation of a locality	The works provide for ancillary additions to the established school facility within the school grounds. The proposed development will not transform the



Factors for consideration	Response
	character of the locality given the nature of the works.
(c) Any environmental impact on the ecosystem of the locality	Nil
(d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	The development site is identified as possessing Blue Gum High Forest (BGHF) which is an Endangered Ecological Community (EEC) endemic to the local area.
	There are five trees identified as Eucalyptus Saligna (Sydney Blue Gum) which is the key species of this community. All of these trees are proposed to be retained.
	The locality does not possess any other scientific or environmental quality that will be reduced given the existing level of disturbance and current development site conditions and improvements.
(e) Any effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	The Heritage Impact Statement (Appendix 8) concludes that the proposed development will have no detrimental impacts on the heritage significance of the school the site.
(f) Any impact on the habitat of protected fauna ¹	There is no protected fauna.
(g) Any endangering of any species of animal, plant or other form of life, whether living on land or in water or in the air ²	The proposed works will not have any significant impact on any flora or fauna habitat. There is a small patch of Blue Gum High Forest (BGHF) which is a threatened vegetation community, within the development site (0.04 ha) which will be impacted. The BGHF exists as part of a small patch of planted canopy species, with a modified garden bed understorey that is in poor condition and does not meet the requirements to be listed. The Flora and Fauna Assessment (Appendix 12) concludes: <i>"no significant impact is expected to occur to threatened species, populations or communities as a result of the proposed redevelopment of the subject land. Therefore, the preparation of a Species Impact Statement (SIS) is not warranted. A referred</i>

¹ Refer to section 7.3 of the *Biodiversity Conservation Act* 2016 - Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats ² See above.



Factors for consideration	Response
	to the Commonwealth Department of the Environment, under the EPBC Act is also not required."
(h) any long-term effects on the environment	The work is unlikely to have any long-term effects on the environment.
(i) any degradation of the quality of the environment	The work is unlikely to result in the degradation of the quality of the environment.
(j) any risk to the safety of the environment	Risks during construction can be managed by workplace management.
(k) any reduction in the range of beneficial uses of the environment	There will be no reduction in beneficial uses of the environment caused by the proposed works.
(I) any pollution of the environment	Measures to control run off and sedimentation during construction can be controlled on site by appropriate site management and erosion controls. There will be a requirement for erosion and sediment controls during construction
(m) any environmental problems associated with the disposal of waste	Construction waste can be managed on site and disposed of appropriately, with regard to opportunities for recycling. A Waste Management Plan (WMP) will prepared prior to construction.
(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	No such demand on resources will occur as a result of the proposed works.
(o) any cumulative environmental effect with other existing or likely future activities	No adverse impact with other existing or future activities is likely. The works will be beneficial in terms of improving the amenity for users of the established school.
(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions	Not applicable.
(q) other factors/ impacts.	None

Table 2. Factors for consideration under Clause 228 of the EP&A Regulation 2000

It is concluded that the factors for consideration in clause 228 of the EP&A Regulation are satisfactorily addressed.



12.2 Education SEPP Planning Principles

The proposed development has been designed to address the seven design quality principles provided in Appendix C of the Code to guide RNSs in their assessment of new school development.

The table below provides an assessment of the proposed development against the seven design quality principles set out in Schedule 4 of the Education SEPP.

ESEPP Planning Principles	Proposed development	Consistent
Principle 1—context, built form and landscape Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate. Landscape should be integrated into the design of school developments to enhance	The proposed development has been designed to integrate into the layout of the existing school campus. It is located on a relatively flat area currently occupied by a hardstand sports courts and a demountable building. A comprehensive landscaping plan has been prepared for the	Yes
on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.	proposed development, which seeks to protect significant trees and integrate the building into the surround landscape. The landscaping plan will form part of the approval documents.	
 Principle 2—sustainable, efficient and durable Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling. Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements. 	Barker College is committed to ecologically sustainable design. The proposed development has been designed to incorporate several energy efficiency and sustainability initiatives. These are outlined in the ESD report prepared by Action Sustainability (Appendix 9). The ESD report will form part of the approval documents.	Yes
Principle 3—accessible and inclusive		Yes
School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with	The proposed development has been inclusively designed to provide safe and equal access	



ESEPP Planning Principles	Proposed development	Consistent
differing needs and capabilities. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	for all. An Accessibility Report (Appendix 10) has been prepared in support of the proposed development. The Accessibility report will form part of the approval documents.	
Principle 4—health and safety		Yes
Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances	The proposed development will increase the range of facilities available for students and staff.	
this with the need to create a welcoming and accessible environment.	Crime Prevention Through Environmental Design measures will be incorporated into the design and management of the proposed development to ensure a high level of safety and security is upheld for students and staff.	
Principle 5—amenity		Yes
Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.	The proposed development represents a state-of-the-art, user-friendly facility that provides space for eating, dining, socialising and meeting facilities.	
Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.	The proposed development is a substantial distance from neighbouring properties and will have no foreseen amenity impacts on the local neighbourhood.	
	The proposed development incorporates indoor and outdoor spaces. The design and colour scheme will allow access to sunlight and natural ventilation.	
	Storage areas and amenities have been included in the design.	



Principle 6—whole of life, flexible and adaptive		Yes
School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	The proposed development represents a large, open plan building providing flexibility and capability for adaptation to cater for various school uses.	
Principle 7—aesthetics		Yes
School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	The proposed development has been designed by award winning architects, Architectus. The resulting development will be a light-filled space which will provide students with contemporary, eating, dining, meeting and socialising areas. Light colours and finishes will enhance the layout, brightening and reflecting natural light. An external colour palette, consistent with the natural environment, will be utilised in order to integrate the proposed development into the surrounding landscape. The proposed development represents an adaptable, multi- purpose facility fit for twenty-first century education. The building combines a mix of formal and informal areas. The proposed development will provide an energising space for students and teachers.	

Table 3. Education SEPP Planning Principles



12.3 Detailed Environmental Considerations

The following environmental considerations have been considered in more detail as part of the assessment process:

- Potential Contamination
- Tree Removal
- Biodiversity
- Heritage
- Geotechnical investigations

12.3.1 Contamination

A Preliminary Site Investigation (PSI), prepared by JKE Environments, has been undertaken for the proposed development (Appendix 7).

The primary purpose of the assessment was to identify past or present potentially contaminating activities at the development site, identify the potential for contamination, assess the need for further investigation, and make a preliminary assessment of the suitability of the development site for the proposed development. The assessment objectives were to: provide an appraisal of the past use(s) of the development site based on a review of historical records; assess the current site conditions and use via a site walkover inspection; identify potential contamination sources/areas of environmental concern (AEC) and contaminants of potential concern (CoPC); prepare a conceptual site model (CSM); and identified the risks associated with the AEC.

The PSI identified the following:

- Fill material The site appears to have been historically filled to achieve the existing levels. The fill may have been imported from various sources and could be contaminated. Two geotechnical boreholes (BH1 and BH2) drilled within the site boundary encountered relatively shallow sandy fill (0.3mBGL to 0.5mBGL) over natural silty clay soil;
- Use of pesticides Pesticides may have been used beneath the buildings and/or around the site;
- Hazardous Building Material Hazardous building materials may be present as a result of former building and demolition activities. These materials may also be present in the existing structures on site; and
- Off-site area The former motor garages and the Caltex service station located approximately 100m to the north-east of the site is located up-gradient of the site and is considered to be a potential source of contamination.

Based on a qualitative assessment of various lines of evidence as discussed throughout their report, JKE are of the opinion that there is a potential for the development site to be contaminated. However, they conclude that the historical land uses and potential sources of contamination identified would not preclude the proposed development.



The PSI report recommends the following:

- A preliminary intrusive investigation should be undertaken to make an assessment of the soil contamination conditions within the development site;
- A hazardous building materials survey should be undertaken for the structures at the development site. Following demolition of the structures on the development site, an asbestos clearance certificate should be provided.
- A waste classification be undertaken to classify material to be excavated for the proposed development.

These requirements will form conditions of determination and are listed in section 13.

The PSI report concludes:

"Considering the findings of the assessment, JKE are of the opinion that the site can be made suitable for the proposed development subject to the appropriate implementation of the recommendations. The investigation report should confirm the conclusion in relation to site suitability and/or the need (or otherwise) for remediation based on the additional data obtained."

12.3.2 Arboricultural Assessment

An Arboricultural Impact Assessment (AIA), prepared by Arbor Safe, dated 22 June 2020, has been prepared in support of the proposed development (Appendix 11).

The report assesses sixty-four (64) trees within the grounds of the Barker College campus. The trees are given retention values of High (Category A), Moderate (Category B), Low (Category C) or recommended for removal (Category U).

The assessment finds:

- Seven (7) trees are of Category A retention value.
- Twenty-two (22) trees are of Category B retention value.
- Thirty-two (32) trees are of Category C retention value.
- Three (3) are of Category U retention value, recommended for removal irrespective of future development on the development site.

The report notes that fourteen (14) trees would require removal to facilitate the proposed development. These trees are broken down as:

- High (Category A) 1 tree (Syncarpia glomulfera or Turpentine).
- Moderate (Category B) 8 trees retention value.
- Low (Category C) 6 trees.

The trees to be removed are located wholly within the development site and cannot be successfully retained and are recommended for removal.



Six (6) trees are recommended for retention with specific protection measures during construction to ensure they remain viable following the completion of works.

The Blue Gum High Forest (BGHF) is an Endangered Ecological Community (EEC) endemic to the local area. There are five trees identified as Eucalyptus Saligna (Sydney Blue Gum) which is the key species of this community. These trees are proposed to be retained and are identified on the 'High Value Trees To Be Retained Plan' contained at Appendix 4. That is, there will be no Eucalyptus Saligna (Sydney Blue Gum) removed because of the proposed development.



Figure 14. Approximate location of the 5 x Eucalyptus Saligna (source: ArborSafe)

The AIA report makes numerous recommendations regarding:

- Tree removal
- Tree protection
- Tree pruning
- Tree protection
- Compliance Reporting
- Offset tree planting and
- Trenching for underground services.

The recommendations contained in the AIA will form conditions that the school must comply with in undertaking the development and are referenced in section 13.



12.3.3 Biodiversity

A Flora and Fauna Assessment, prepared by Cumberland Ecology, dated 22 June 2020, has been prepared in support of the proposed development (Appendix 12).

The assessment finds that:

The subject land contains a mix of exotic and native flora species, with one patch of ~ 0.04 ha of native vegetation in the northern portion of the subject land that conforms to the listing of Blue Gum High Forest in the Sydney Basin Bioregion (BGHF). BGHF is listed as a Critically Endangered Ecological Community (CEEC) under both the BC Act and the EPBC Act, however the patch of BGHF is in relatively poor condition due to its small size and cultivated garden bed understorey and does not meet the EPBC Act requirements for BGHF. The remainder of the vegetation present exists as garden beds containing planted species and lawns that have been categorised as Urban – Native/Exotic vegetation.

The report assesses the impacts as follows:

The proposed works will involve predominantly utilising previously cleared and developed areas, and clearing a small area of urban exotic and native landscaped vegetation. Nevertheless, one threatened vegetation community, BGHF, will be impacted as a result of the proposed development. Approximately 0.41 ha of BGHF is located within the study area, of which ~ 0.04 ha will be removed. The BGHF within the subject land has a canopy of mature BGHF species, which includes Eucalyptus saligna (Sydney Blue Gum) and Eucalyptus tereticornis (Forest Red Gum), over a cultivated garden bed planted with mainly non-endemic and exotic species. Historical aerial photography of the impact area shows the trees throughout the extent of, and overhanging, the plot have all been planted after the construction of the embankment and retaining wall at some time since 1943. Given this is a small patch of planted BGHF that lacks a natural understorey, the condition of the area of BGHF within the subject land is considered to be low.

The subject land does not contain vegetation mapped within the Hornsby LEP Clause 6.4 as Terrestrial Biodiversity (2013).

No threatened flora species were detected on the subject land or are considered likely to occur, and therefore the proposed development is not considered likely to have a significant impact on any threatened flora species.

Some degraded potential foraging habitat for the Grey-headed Flying-fox and for two migratory species will be removed under the proposed development. However, none of these species are likely to be dependent on the small area of degraded habitat within the subject land for their survival. These are highly mobile species that access resources from across a vast foraging range. The proposed development is, therefore, not considered likely to have a significant impact on any threatened or migratory fauna species.

The patch of BGHF within the study area is approximately 0.41 ha, of which 0.04 ha will be removed because of the proposed development. The BGHF within the subject land exists as part of a small patch of planted canopy species, with a modified garden bed understorey that is in poor condition and does not meet the requirements to be listed.



The assessment finds that the proposed development is not likely to significantly affect threatened species, populations, ecological communities or their habitats, and therefore an SIS is not required. A referral to the Commonwealth Department of the Environment, under the EPBC Act is also not required.

The report makes recommendations to mitigate impacts of the proposed development including:

- Vegetation protection
- Erosion, sedimentation and pollution control
- Pre-clearing and clearing surveys
- Weed control measures
- Replanting.

These measures are included as conditions that the school must comply with in undertaking the development and are referenced in section 13.

12.3.4 Heritage Impact Assessment

A Heritage Impact Statement, prepared by NBRS Architecture, dated 19 June 2020, has been prepared in support of the proposed development (Appendix 8).

Barker College is listed as a local heritage conservation area, Barker College Heritage Conservation Area (HCA), under Schedule 5 in the HLEP.

Select buildings within the school campus are individually listed as heritage items, including Barker College Junior School – No. 465, Group of buildings, grounds and gate – No. 782 and the Centenary Design Centre, McCaskill Music Centre and Development Office - No.501.

The school campus is also located in the vicinity of heritage listed House and Garden (No. 779) located at Nos. 27-31 Clarke Road, Hornsby.

Barker College is a place of local historical and social significance as a private school established in 1896, which has continuously occupied and expanded. The HCA comprises of buildings, landscaping and natural vegetation that reflect the history of the school. The school campus contains a significant group of buildings (from 1896 to present), including the work of significant architects that are collectively valued for their high degree of architectural merit and provide an aesthetic distinction for the school grounds.

The Heritage Impact Statement concludes:

"The proposed Barker College Cafeteria Building will have no adverse impact on the heritage significance of Barker College as a heritage item and conservation area.

The design of the building is contemporary, in a precinct of recent educational buildings of an institutional scale. The building replaces sporting



facilities that were covered in hardstand, and also replaces a relocatable building.

All existing significant views within Barker College will be retained and the character of the Conservation Area will be unaffected.

The proposed development is consistent with the heritage objectives of the Hornsby LEP 2013 and is also consistent with the intentions of the Hornsby DCP 2013 when applied to an educational precinct of greater scale than detached suburban housing. In our view, Hornsby Shire Council should have no concern about the impact of this development on the heritage item and conservation area of Barker College."

The assessment undertaken concludes that the proposed development will not have any impacts on the significance of the heritage items or conservation area. There are no mitigation measures required.

12.3.5 Geotechnical Investigation

A Preliminary Geotechnical Assessment, prepared by JK Geotechnics, dated 22 June 2020, has been prepared in support of the proposed development (Appendix 13).

The report reviews borehole information from the Rosewood Centre development investigation as a basis for preliminary comments and recommendations on excavations, retention, groundwater considerations and footings. Further fieldwork for further geotechnical boreholes is recommended.

The assessment concludes that overall, the development site is geotechnically suitable for the proposed development.

This report makes general comments regarding excavation, footings and retention. The report recommends further detailed geotechnical investigations.

This recommendation will form a condition that the school must comply with in undertaking the development and is referenced in section 13.

12.4 Other Considerations

The other considerations have been considered as follows:

- Stormwater, erosion and sedimentation controls
- Visual impacts
- Building design (accessibility and sustainability)
- Traffic and parking
- Construction impacts



12.4.1 Stormwater, erosion and sedimentation controls

Civil Drawings and Civil Drawing Certificate, prepared by Henry and Hymas, dated 19 June 2020, have been prepared in support of the proposed development (Appendix 5 and 6). The certificate states:

Pursuant to the provisions of the Clause A2.2 of the Building Code of Australia, I hereby certify that the above design is in accordance with best engineering practice and in our opinion meets the requirements of the Environmental Planning and Assessment Regulations of the Building Code of Australia, relevant Australian Standards and relevant conditions of the development consent. In particular, the design is in accordance with the following:

- Landcom Managing Urban Stormwater Soils and Construction, Volume 1, 4th Edition March 2004 ("The Blue Book")
- AS2890.1:2004 'Parking facilities' Part 1: Off- street car parking.
- AS 2890.6-2009 "Off-street parking for people with disabilities".
- AS3500.3:2015 Plumbing and Drainage Part 3: Stormwater Drainage.
- Other practices or standards relied upon for this certification:
 - Councils Development Standards:
 - Hornsby Shire Council Development Control Plan 2013
 - Hornsby Shire Council Development Design Specification 0074 Stormwater Drainage (Design).

The certificate certifies that the design and performance of the design systems generally and in our opinion comply with the above, as on the civil drawings contained in Appendix 5.

The civil drawings will form part of the approval documents and are listed in section 13.

12.4.2 Visual impacts

The proposed development has been designed by award winning architects, Architectus and will have a positive visual impact on the character of the area.

The proposed development will be a light-filled space which will provide students with contemporary, practical meeting and dining spaces for staff and students. Internally, the use of light colours and finishes will enhance the layout, brightening and reflecting natural light.

Externally, a colour palette, consistent with the existing school environment, will be utilised to integrate the proposed development into the surrounding landscape.

The proposed development represents an adaptable, multi-purpose facility fit for twenty-first century education requirements. The building combines a mix of open plan, dining, meeting and multi-functional administration spaces.



The proposed development will create communal spaces for socialising, energising and replenishing both students and teachers.

Visual and amenity impacts are addressed in further detail in the analysis of the proposed development against the ESEPP planning principles in section 11.2

12.4.3 Environmentally Sustainable Design (ESD) Approach

An ESD Brief, prepared by Action sustainability dated 18 June 2020, has been prepared in support of the proposed development (Appendix 9).

The report identifies a variety of ESD initiatives categorised as follows:

- State wide strategies
- Passive design
- Water efficiency
- Emissions
- Operations
- Indoor environment quality
- Energy efficient systems and transportation
- Operations
- Water efficiency
- Emissions
- Waste management

The strategies identified in the ESD Brief will be incorporated into the detailed design of the proposed development. The ESD Brief will form part of the approved determination documents.

12.4.4 Accessibility

A Disability Access Report, prepared by Cheung, has been prepared in support of the proposed development (Appendix 10).

The report concludes:

On the basis of our assessment, we confirm that the REF Design plans for Barker College's Cafeteria Building, meets the following:

1. Performance Requirements of the Disability (Access to Premises-Buildings) Standards 2010 and Part D3 and F2.4 of the Building Code of Australia (BCA) (2019) through a combination of the deemed-to-satisfy provisions and Performance requirements.

2. The intent and objects of the Disability (Access to Premises- Buildings) Standards (2010).

We note that there are some items to resolve prior to the issue of the Construction Certificate, which have been described in the table above.



The report provides a summary of key compliance concerns and recommends actions.

The areas of concern relate to:

- External paths of travel
- Internal paths of travel
- All doorways
- External stairways from RB Finlay Walk
- Hearing augmentation
- Accessible signage
- Accessible and ambulant

These issues will be addressed at the detailed design stage and will be conditions of the determination.

A requirement for determination and certification is that compliance be achieved in accordance with the National Construction Code (NCC). This will ensure the unresolved issues are addressed at the detailed design stage.

12.4.5 Traffic and carpark design

A Traffic Report, prepared by TEF Consulting, has been prepared in support of the proposed development (Appendix 14).

The report notes:

The new CB facility is intended to replace existing similar facilities of lower standard on the Barker College site. It will not result in an increase of the number of students and staff, which will remain at the levels approved by Council previously.

The existing trip generation to and from Barker College will remain the same after the CB project. Drop-off and pick-up locations for students will not change. There will be no change to trip distribution patterns on the road network.

The report concludes:

The proposed CAB project will not result in additional traffic and parking demand generation and thus will have no traffic or parking impacts.



12.5 Construction impacts

A Construction Management Plan (CMP) has been prepared by EPM Projects, dated 27 April 2020, in support of the proposed development. The report addresses the following key construction matters:

- Noise and Dust Management
- Waste Management
- Traffic Management
- Avoiding land use conflict
- Complaint Management
- Work Health Safety (WHS)
- Site safety and security

The CMP concludes:

An effective implemented CMP will safeguard that works are completed with efficiency, in a timely order and safely. Minimal disruption will occur to both the general public and the school's operations. It will be the responsibility of the engaged contractor/s to develop and maintain the necessary reporting to address and monitor the abovementioned matters.

The CMP is contained at Appendix 15 and will form part of the determination documentations.

12.5.1 Construction Traffic

A site-specific Traffic Management Plan (TMP) will be developed and monitored by the engaged Contractor. This TMP will be in place prior to the commencement of any construction works. The objective of this plan aims to ensure the safety of all workers, road users and pedestrians within the proximity of the construction site. The following are the primary objectives:

- To minimise the impact of the construction vehicular traffic, directly and indirectly, on local roadways.
- To promote continuous, safe and efficient movement of traffic (Vehicular and pedestrian) for both the general public, school staff and students, and construction workers.
- Establishment of a safe pedestrian environment in the vicinity of the site.
- Vehicle access will remain in a safe and coordinated manner.
- The contractor is to obey road laws at all times.
- The Contractor is to establish a site perimeter fence with lockable vehicle access along the existing driveway crossing / entry.



13 Summary of Impacts

The proposed development is within the Barker College campus and includes a cafeteria that will have minimal impact on the environment.

Potential impacts assessed in this REF are:

- Contamination
- Biodiversity
- Tree impacts
- Impact on adjoining heritage items
- Visual impacts
- Traffic and carparking
- Construction impacts

This REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposed development, as listed above and has found that there are no unacceptable or unreasonable impacts.

Potential contamination will require further investigations prior to construction taking place of the site. This will be a requirement of determination.

Significant trees on the site, as identified in the Arboricultural Impact Assessment, will be retained and protected. The loss of other trees will be addressed by offset planting which will be required by conditions of determination.

The Flora and Fauna Assessment (Appendix 12) has concluded that no significant impact is expected to occur to threatened species, populations or communities as a result of the proposed development. Therefore, the preparation of a Species Impact Statement (SIS) is not warranted. A referral to the Commonwealth Department of the Environment, under the EPBC Act is also not required.

The spatial separation of the proposed development, along with its sensitive design, will ensure that there are no unacceptable visual impacts on the nearby heritage items within the school.

The Civil Engineering Drawings and Certificate include appropriate stormwater disposal and sedimentation and erosion controls during construction.

The proposed development, due to spatial distances, will not have any unreasonable impacts on surrounding residential properties.

A construction management plan has been prepared to minimise disruptions and amenity impacts on the existing school functions and surrounding area, during construction.

Potential environmental impacts will be mitigated by the measures recommended throughout this REF and listed as recommended conditions of determination in Section 13 below.



14 Mitigating measures, modifications or adaptions

In order to mitigate any environmental impacts resulting from the proposed development the following conditions of determination are recommended:

CONDITIONS:

Approved Plans and documentation

1. The development shall take place in generally in accordance with the following plans and documents, except as amended to comply with the conditions of this determination:

Drawing Number	Date	Prepared By
Site Survey (6 sheets)	30.03.2020	LTS Lockley
Architectural Plans numbered REF 0050, 0150, 0301, 0501, 1000, 1004, 1100, 1101, 1106, 1107, 1200, 2001, 2002, 2003, 2201, 2202 and 7000, issue C	19.06.2020	Architectus
Architectural Plans numbered REF 0050, 0150, 0301, 0501, 1000, 1004, 1100, 1101, 1106, 1107, 2001, 2002, 2003, 2201 and 2202, issue D	29.03.2021	Architectus
Landscape Plan (issue D)	8 December 2022	Arcadia
High Value Trees to be retained Plan (issue C)	19 June 2020	Arcadia
Civil Drawings – General arrangement Plan C100 (issue 3)	12.06.2020	Henry and Hymas
Civil Drawing – ground floor Plan C101 (issue 3)	12.06.2020	Henry and Hymas
Civil Drawings – Stormwater Plan C200 (issue 3)	12.06.2020	Henry and Hymas
Civil Drawings - OSD Plan C201 (issue 3)	12.06.2020	Henry and Hymas
Civil Drawings – Stormwater Catchment Plan C250 (issue 3)	12.06.2020	Henry and Hymas
Civil Drawings – Sediment and Erosion Control Plan SE01 (issue 3)	12.06.2020	Henry and Hymas
Document Title	Date	Prepared by
Civil Design Certificate	19 June 2020	Henry and Hymas
Preliminary Desktop Assessment	9 July 2020	JK Environments



Arboricultural Impact Assessment	22 June 2020	Arbor Safe
Disability Access Report	9 July 2020	Cheung Access
Traffic Impact Assessment	22 June 2020	TEF consulting
Preliminary Geotechnical Investigation	9 July 2020	JK Environments
Flora and Fauna Assessment	9 July 2020	Cumberland Ecology
Heritage Impact Statement	May 2020	NBRS Architecture
Construction Management Plan – Revision C	27 April 2020	EPM Projects Pty Ltd
ESD Brief	18 June 2020	Action Sustainability

Site investigations - Potential contamination

- 2. In order the better assess the risks associated with potential contamination at the site, the following measures shall be undertaken prior to construction works commencing on the site:
 - a. A preliminary intrusive investigation to assess the soil contamination conditions within the development area; and
 - A hazardous building materials survey for the structures at the site.
 Following demolition of the site structures, an asbestos clearance is to be provided; and
 - **c.** A waste classification to classify material to be excavated for the proposed development.

Prior to construction –Geotechnical Investigation review

3. In order to confirm that site is geotechnically suitable for the proposed development, a detailed geotechnical investigation of the site is required prior to the detailed design stage for the project. The results of the further investigations are to be submitted to the determining authority.

Vegetation Protection

- 4. To avoid unnecessary removal or damage to the nearby vegetation, the clearing area should be clearly demarcated and signed, where appropriate, to ensure no vegetation beyond these boundaries is removed. Clearing works and equipment should be excluded from areas outside the clearing area. Site inductions are to be given by the civil contractor to ensure all site workers and visitors are aware of any no-access areas.
- 5. All tree protection measures, as detailed in the Arboricultural Impact Assessment (ArborSafe 2020) for trees that are to be retained, and in particular, *Eucalyptus* saligna and *E. tereticornis* trees, are to be implemented. Replacement planting



shall occur for all native trees removed, as outlined in the Arboricultural Impact Assessment (AborSafe, 2020).

Erosion, sedimentation and pollution control

6. Potential impacts to flora and fauna occurring in the construction phase that can be managed include: run-off, sedimentation, erosion and pollution. To reduce sedimentation on the construction site, erosion control measures should be implemented in accordance with the erosion and sediment control plan submitted as part of the REF. This includes minimising the amount of exposed soils on the site at any given time. All soil stockpiles should be adequately covered when not in use to prevent erosion from heavy rainfall. Sediment fences should be established around the perimeter of the development area to prevent the impacts of sedimentation on the adjoining vegetation. During development, precautions should be taken to ensure that no pollution, such as petrochemical substances or water containing suspended solids, escapes the construction site. Pollution traps and efficient removal of pollution to an off-site location would help to minimise pollution impacts.

Pre-clearing Surveys

7. An ecologist should conduct a pre-clearing survey of all buildings and vegetation within one week of commencing demolition works in order to identify the occurrence of fauna and/or fauna habitat present. Any fauna species recorded during the pre-clearance survey will be captured (where possible) and relocated to adjacent habitat to be retained.

Clearing Supervision

8. Any habitat features identified during the pre-clearing surveys should be removed under the supervision of an ecologist or qualified animal carer. Details regarding the appropriate methodology to be implemented during habitat removal should be provided following the results of the pre-clearing survey. Any fauna captured during clearing supervision works should be relocated into adjacent areas of habitat to be retained, taken to a veterinarian or wildlife carer, or humanely euthanised at the discretion of the attending ecologist.

Weed Control Measures

9. Priority weed species occurring within the subject land should be managed in order to prevent further spread. Prior to any vegetation clearance, noxious weeds in the canopy and shrub layers should be demarcated in order for these to be disposed of separately from native material. All groundcover should be disposed of as exotic as these cover a large portion of the subject land.





Offset Tree Planning

- 10. Replanting of native species representative of the vegetation community Blue Gum High Forest should occur where possible as part of the landscaping for the subject land and future landscaped areas in the study area, as this has the potential to enhance the ecological value of the subject land and surrounding areas.
- 11. Offset planting should reflect the number of trees removed and the initial loss of amenity and biomass. New trees should be of long-term potential and sourced from a reputable supplier.
- 12. Replacement tree species must suit their location on the site in terms of their potential physical size and their tolerance to the surrounding environmental conditions. To avoid unethical or unprofessional tree selection and/or their placement within the landscape, replacement tree species must be selected in consultation with the consulting arborist, who can also assist in implementing successful tree establishment techniques.

During construction – noise

- 13. During the times below, noise should not be heard in a habitable room in a neighbour's residence:
 - Power tools and equipment

8pm–8am Sunday and public holidays 8pm–7am Monday –Saturday'

During construction – waste management

- 14. Prior to the commencement of construction, the Contractor will be responsible to develop a Waste Management Plan for Barker College's review and agreement. As a minimum the agreed Waste Management Plan will need to address:
 - Legislative requirements.
 - Ways in which the impact on landfill and local residents (i.e. avoiding litter) will be minimised.
 - Maximum recycling and / or reuse.
 - Raise awareness among employees and subcontractors of their waste management responsibilities.
 - Provides details of the proposed waste streams.



15 Conclusion

The assessment documented in this REF finds that the proposed cafeteria (as modified) will not have significant impacts on the environment or on threatened species, populations, ecological communities or their habitats. Consequently, neither an Environmental Impact Statement (EIS) nor a Species Impact Statement (SIS) are required.

These conclusions are based on the detailed impact assessment documented in the body of this REF which incorporates input from various expert consultants (contained in Appendices 3-15).

The proposed development is satisfactory when assessed against the requirements of Clause 228 of the EP&A Regulation and Section 5.5 of the EP&A Act.

The proposed development will improve the amenities that are available to students, staff and visitors to the school and make a positive contribution to the community. The proposed development is visually sympathetic to the setting of the school and will not have any detrimental environmental or amenity impacts.

The determining authority can be satisfied that this REF has been prepared in accordance with the Code. The authorised person determining the assessment may discharge Barker College's duty to comply with the requirements of the Code

I, Danielle Deegan, (an agent of Barker College), certify that I have prepared the contents of this REF and, to the best of my knowledge, it is in accordance with the Code approved under clause 244N of the Environmental Planning and Assessment Regulation 2000, and the information it contains is neither false nor misleading.

Signed: Name: Danielle Deegan DM Planning Pty Ltd

Date: 17 January 2023