



DM Planning

Review of Environmental Factors

Sporting Kiosk



1078 Oxford Falls Road, Oxford Falls

Report prepared for
Oxford Falls Grammar School

November 2019



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1 Certification

This Review of Environmental Factors, prepared on behalf of Oxford Falls Grammar School (OFGS), provides a true and fair review of the proposal 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 proposal. To the best of my knowledge, the information contained in this Review of Environmental Factors is neither false nor misleading.

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Position and Qualifications of the person(s) who prepared the REF:	Director -D.M Planning Pty Ltd Bachelor of Economics Grad Dip Planning
Signature:	 November 2019



2 Introduction

This Review of Environmental Factors (REF) has been prepared by DM Planning Pty Ltd on behalf of Oxford Falls Grammar School (OFGS) for a proposed sporting kiosk at 1078 Oxford Falls Road, Oxford Falls. It has been prepared in accordance with the Environmental Assessment Code of Practice for Part 5 Activities, for non-registered schools (the Code).

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

- Describe the existing site context;
- Identify and evaluate all matters affecting or likely to affect the environment by reason of the activity;
- Assess of the likely impacts of the proposed activity in accordance with Section 5.5 of the 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 respond to matters raised during the consultation period; and
- Recommend mitigation measures.

The proposed sporting kiosk will be developed as a 'Development Permitted without Consent' under the State Environmental Planning Policy - Educational Establishments and Child Care Facilities 2017 (the ESEPP).

The proposal is satisfactory when assessed against all of the relevant requirements. It will improve the school amenities and make a positive contribution to the community. It is visually sympathetic to its semi-rural setting and will not have any detrimental environmental or amenity impacts.



3 The site, Setting and Background

3.1 The Site

The subject site is Oxford Falls Grammar School (OFGS) at 1078 Oxford Falls Road, Oxford Falls. The site is legally described as Lot 100 in DP 1240806 ('the OFGS site').

The OFGS site is bound by Oxford Falls Road to the east, Dreadnought Road to the south and Wakehurst Parkway to the west.



Figure 1. OFGS regional context with approximate location of sporting kiosk shown with red cross (Source: Google Maps)

A tributary of Middle Creek runs through the OFGS site in a north-westerly direction. All school buildings are currently located to the north-east of the creek.

A sports field is located in the south-western area of the school grounds. The sports field is relatively flat and appears to have been levelled by a cut along the western edge and filling along the eastern side, closer to the creek. Batters are present along the western and north-western sides of the sports field.

There are numerous trees located on the OFGS site. These are primarily located around the site perimeter and along the creek line.



Figure 2. Aerial view of the site and its immediate surround (Source: Northern Beaches Council)

The OFGS site is classified as Bushfire Prone Land in the category of Vegetation Buffer on the Northern Beaches Council Bush Fire Prone Land (BFPL) map.

The location of the proposed sporting kiosk is in the south-western corner of the site.

Photographs of the proposed kiosk location are shown below.



Figure 3. Location of proposed sporting kiosk adjacent the western boundary of site



Figure 4. Existing Playing field

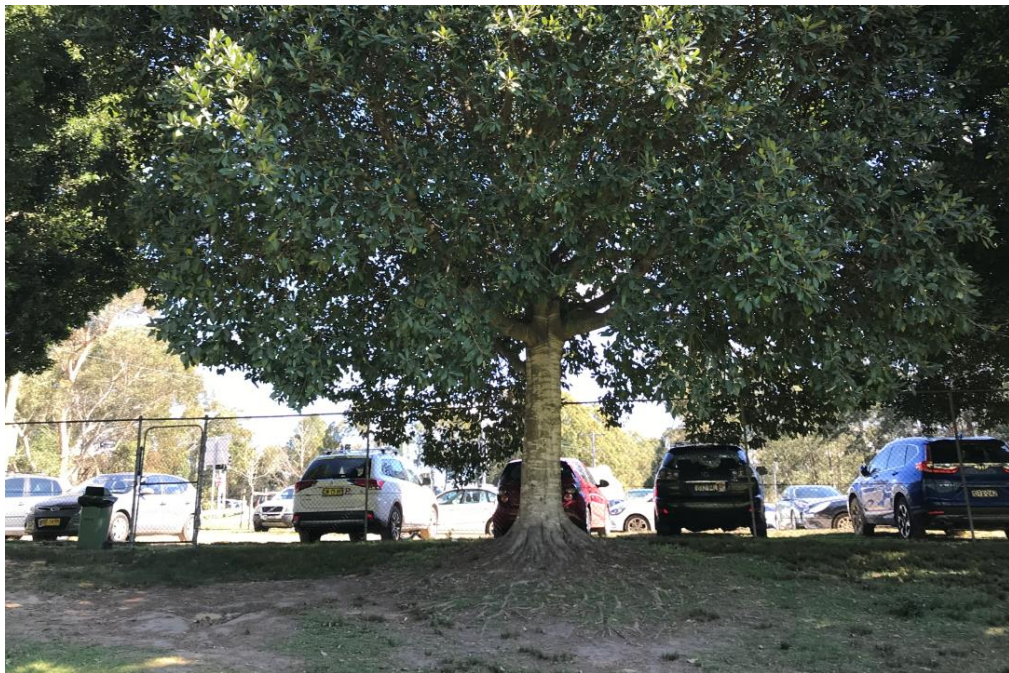


Figure 5. View looking west toward location of proposed sporting kiosk



Figure 6. View looking north toward location of proposed sporting kiosk showing the tree to be removed

3.2 Surrounding locality

Oxford Falls contains various mixed uses reflecting its semi-rural character. Rural residential properties are located to the south of the site on the opposite side of Dreadnought Road.

The Christian City Church is located to the west of the school, on the opposite side of Wakehurst Parkway.

The St Pius College Playing Fields are to the south-west, diagonally opposite the site.



Figure 7. Oxford Falls Peace Park (formerly Oxford Falls Public School)

There are no threatened species, populations and ecological communities likely to occur in the area that will be affected by the proposal.



Figure 8. Informal parking area adjoining the western boundary of the site



Figure 9. Christian City Church located to the west of the site, on the opposite side of Wakehurst Parkway



Figure 10. Driveway to residential Lot 33 Dreadnought Rd located opposite the sporting kiosk site



Figure 11. Entrance to residential 1100 Oxford Falls Road located opposite the site on Dreadnought Rd



Figure 12. St Pius College Playing Fields located diagonally opposite the kiosk site to the south-west



3.3 Past Approvals

The Northern Beaches Council website lists the following applications relating to the site:

- On 21 October 2016, Development Application DA2016/0662 for the subdivision of land adjacent to the site (Lot 21, DP 819277), was approved by Northern Beaches Council.
- On 18 December 2017, Complying Development Certificate CDC2017/0834 was issued for Alterations and additions to the existing classroom block (Block H) & erection of new classroom block (K)
- On 23 October 2015, Complying Development Certificate CDC2015/0574 was issued for alteration & additions to create a new Science Block (Block E).
- On 18 June 2014, approval was issued by Warringah Council to Development Application DA2014/0637 for the removal of a tree.
- On 4 June 2014, Complying Development Certificate CDC2014/0244 was issued for Ancillary development - Administration block renovations and additions.
- On 25 March 2010, Council was advised of Nation Building Project 10/0019 for alterations and addition to Library, hall and first floor and walkway to block.
- On 7 December 2007, Development Consent DA2007/1123 was issued by Council for the erection of two demountable buildings and fencing.
- On 21 December 2006, Development Application DA2006/1248 was issued by Council for Construction of a New Staff Facility and Alterations and Additions to Existing Buildings.
- On 24 February 2006, Development Application DA2006/0126 for the erection of children's play equipment in two stages was approved.
- On 21 June 2005, Modification Application MOD2004/0964/1 for Internal Alterations to Plans Approved Under 2004/0964 DA Provide a Moveable Dividing Wall and Two New Doors.
- On 28 July 2004, Development Application DA2004/0964 for the undercroft Enclosure of an Existing Building was approved.

The most recent development consent, issued by Northern Beaches Council (other than a complying development certificate) that applies to any part of the school is Development Application DA2016/0662 for the subdivision of land. This consent is contained at Appendix 1.

The proposed sporting kiosk does not contravene any conditions of this consent.



4 The Proposal

The proposal is for the construction of a small kiosk within the grounds of Oxford Falls Grammar School. The purpose of the kiosk is to support the various sporting activities that take place on the adjacent sporting fields.

In detail, the proposal comprises of:

1. Built form

The proposed kiosk is a small single storey building located in the south-western corner of the OFGS site, constructed from a retrofitted shipping container. The proposed development has the following features:

- A levelled building platform measuring 7.6m x 4.2m comprising of road base
- A building footprint with dimensions of 6m x 2.4m and a height of 2.5m
- Materials comprise of shipping container steel with a charcoal paint finish
- A doorway is providing in the northern facade
- An opening to serve and a notification board are provided in the eastern elevation
- The kiosk is setback 6.4m to 7.2m from the western boundary
- The kiosk has a setback of 13.5m to the northern boundary

2. Tree removal

The proposal requires the removal of a *Ficus rubiginosa* (a Port Jackson Fig).

3. Operation

The purpose of the kiosk is to enable one person to occupy the kiosk and distribute sporting equipment, refereeing equipment etc to students participating in sporting games on the adjacent school playing fields. The kiosk is for the use of OFGS students and staff only.

4. Earthworks

Associated earthworks, comprising of minor cut and fill (no greater than 500mm), will be required to create a level building platform.

The proposal is depicted in the architectural drawings numbered REF 1000, 2000, 3100, 3200 and 4000, prepared by AJ+C, dated 1 October 2019 (Appendix 2).

There will be no change to the overall number of school students or staff numbers.

The kiosk is classified as a Class 6 building under the Building Code of Australia. Sanitary facilities are not required.



5 The Proponent

The Proponent details are as follows:

Name: Oxford Falls Grammar School
Address: 1078 Oxford Falls Road, Oxford Falls
Contact: Mr Greg Morris
Position: Head of Operations

As the proposal involves works to a school, which is classified as a special fire protection purpose, approval (i.e. a bush fire safety authority) is required from the NSW Rural Fire Service pursuant to Section 100B of the Rural Fires Act 1997.

6 Justification

The kiosk is needed to provide a building to store and distribute sporting equipment in a suitable location, adjacent to the sporting fields.

An alternative is to do nothing and rely upon the current storage facilities as established elsewhere on site. This alternative is rejected on the basis that the distance to these facilities is inconvenient. Such an outcome would be inconsistent with the obligation to provide adequate amenities to the student population.

7 Class of Activity

Under the NSW Code of Practice for Part 5 Activities (the Code), the proposed kiosk 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 the proposal involves the construction of a new building located in a bushfire zone and in proximity to a heritage item, the proposal is classified as Class 1.



8 LEGISLATIVE FRAMEWORK

8.1 Environmental Planning and Assessment Act 1979

The proposal 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.*

Comment: 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 proposal 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.*

Comment: The site of the proposal is within a modified environment being a developed area associated with an existing school. The land is not wilderness.

8.2 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, development without consent for facilities with low amenity impacts. The approval pathways provided in the ESEPP include exempt development, complying development, **development without consent**, and development permitted with consent.



Certain small-scale 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 sporting kiosk is consistent with the types of development that are permitted to be carried out without consent within the boundaries of existing schools. These include single storey buildings for school purposes such as a library, administration, a classroom, a tuckshop, cafeteria or bookshop.

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.

The proposed development is consistent with the requirements of Clause 36 as follows:

- It is for the construction of a kiosk that is single storey and more than 5 metres from any boundary;
- It does not require the alteration of existing traffic arrangements;
- It does not allow for an increase in the number of staff or students that can be accommodated at the school; and
- It does not contravene any existing condition of the most recent development consent.

8.3 NSW Code of Practice for Part 5 Activities

The Environmental Assessment Code of Practice for Part 5 Activities (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 school development proposals that are identified as 'development without consent' in the ESEPP.



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

- **Stage 1 – Classification**

Comment: As noted in section 7, the proposal is classified a Class 1: Other school development works).

- **Stage 2 – Assessment**

Comment: A detailed assessment of the proposal has been undertaken including, scoping, assessment and consultation.

- **Stage 3 – Documentation**

Comment: This REF represents Stage 3 – Documentation.

- **Stage 4 – Determination**

Comment: Determination will be undertaken by a person authorised by OFGS 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**

Comment: Implementation includes obtaining other approvals (if required), building certification and preparing management plans.

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

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. A Stage 1 Environmental Site Assessment, prepared by JK Environments (JKE), has been prepared for the proposed development.

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 Stage 1 Environmental Site Assessment has identified actual and potential sources of contamination at the kiosk site based on the historical assessment, review of the previous report and a site inspection. JKE have identified that there is a risk posed by asbestos and that this should be addressed as a priority considering the sensitive use of the land. As a duty of care, they recommend that in the instance that asbestos is identified, raking and picking of asbestos from the surface to be undertaken as soon as possible, followed by a surface clearance from an Asbestos Assessor. In addition, an intrusive soil analysis is recommended to characterise the site contamination conditions (i.e. a Stage 2 assessment).

Subject to the implementation of the above measures, JKE consider that the site can be made suitable for the proposed development.

The requirements of SEPP 55 with respect to assessment, have been satisfied.



Contamination issues are discussed further in section 10 of this REF.

8.5 Warringah Local Environmental Plan 2011

The property is a Deferred Matter under the Warringah Local Environmental Plan 2011. As such, the Warringah Local Environmental Plan 2000 (LEP 2000) is applicable to the property.

Under the LEP 2000 the property's is located within the B2 Oxford Falls Valley Locality. The provisions of the Warringah Local Environmental Plan 2000 are considered below.

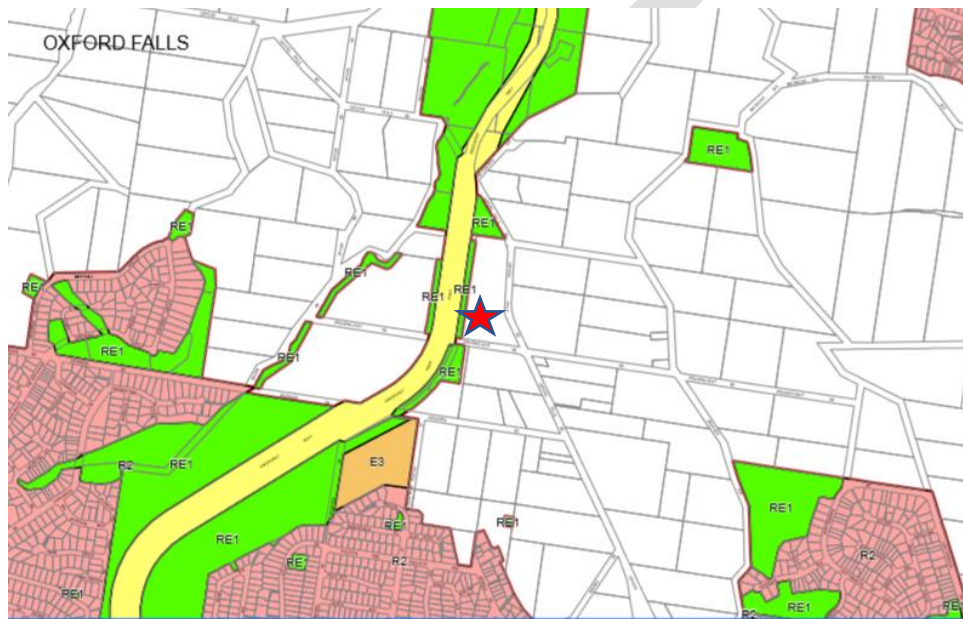


Figure 13. WLEP 200 zoning map extract (source: Northern Beaches Council)

Clause 5.10 – Heritage Conservation

The site is not a heritage item and is not in a heritage conservation area.

As shown in Figure 14 below, the OFGS site is located opposite the following heritage item:

- Oxford Falls Public School, Corner of Dreadnought Road and Wakehurst Parkway (known as the Oxford Falls Peace Park), Item No. I 116.



Figure 14. Extract from WLEP 2011 heritage map

The assessment undertaken in section 10 of this REF concludes that the proposed kiosk will not have any impacts on the heritage significance of this items.

8.6 Warringah Local Environmental Plan 2000

Warringah Local Environmental Plan 2000 (WLEP) came into force in 2000 and is the primary environmental planning instrument applying to the land. Under WLEP 2000 the subject site is within the B2 Oxford Falls Valley Locality.

The Desired Future Character Statement for the B2 locality states:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.



9 Consultation

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

Consultation letters were sent to the following:

The Local Council:	Northern Beaches Council	725 Pittwater Rd, Dee Why NSW 2099
Government Agencies (relevant):	NSW Rural Fire Services	Headquarters Locked Bag 17 Granville NSW 2142
Adjoining neighbours (relevant):	Oxford Falls Peace Park (aka "Oxford Falls Public School")	Cnr Dreadnought Rd and Wakehurst Parkway
	Roads and Maritime Services	Adjoining road reserve Wakehurst Parkway
	Residential	Lot 33 Dreadnought Rd
	Residential	Lot 1100 Dreadnought Rd
	C3 Church	Cnr Dreadnought Rd and Wakehurst Parkway
	St Pius College	Treacy Education Complex and Sporting Fields 1 Dreadnought Rd

Table 1. Consultation list

The consultation letter contained the following information:

- A description of the proposed activity, including its location;
- A description of the environmental impacts the proposed activity may have;
- An invitation for submissions to be made to the OFGS on the proposed activity within no less than 21 business days of the date of the correspondence; and
- The contact details of the OFGS nominated representative to receive submissions in writing.

Issues raised in the submissions are addressed below:

(@@@ note this item will populated after the mandatory consultation period)

10 Environmental Impact Assessment

The proposed works are within the school site and include a modest single storey building that will have minimal impact on the environment. Given the minor nature of the works, environmental impacts are not significant for the following reasons:

- The sporting kiosk is an ancillary use to the exiting school use;
- The proposal is compatible with the existing surrounding land uses;
- The proposal will not generate any increase in student numbers or vehicle movements to the site;
- The proposal will eliminate the need for students to walk the longer distance to the main school buildings; and
- Any potential environmental impacts are proposed to be mitigated through appropriate measures.

10.1 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 relatively small scale of the project, its isolation from neighbouring dwellings 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.
(b) Any transformation of a locality	The works provide a minor addition to the established school facility within the school grounds. The proposed development will have no impact on the locality given the minor 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 locality does not possess any scientific or environmental quality that will be reduced given the existing level of disturbance and current site conditions and improvements.
(e) Any effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or	There is no record of any cultural or heritage significance being attributed to the site. The works will contribute in a positive manner to the function of the established facility as a school.



Factors for consideration	Response
social significance or other special value for present or future generations	
(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. The location is currently developed as school sporting fields and is devoid of locally indigenous vegetation.
(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.
(l) 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. Little potential exists for pollution impacts associated with the work as proposed. Details of sediment fencing associated with the construction works are provided on drawing REF4000 (Appendix 2).
(m) any environmental problems associated with the disposal of waste	Construction waste can be managed on site and disposed of at Kimbriki Tip with appropriate regard to opportunities for recycling.
(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

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.

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

10.2 Detailed Environmental Considerations

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

- Contamination
- Tree Removal
- Bushfire Protection Assessment
- Flood potential
- Biodiversity
- Heritage
- Bushfire risk

10.2.1 Contamination

A Stage 1 Environmental Site Assessment, prepared by JK Environments (JKE), dated 31 October 2019, has been prepared in support of the proposal (Appendix 3).

The primary purpose of the JKE assessment is to identify past or present potentially contaminating activities at the site, identify the potential for site contamination, assess the need for further investigation, and make a preliminary assessment of the suitability of the site for the proposed development.

The JKE report concludes the following potential contamination sources/area of environmental concern (AEC):

- Fill material;
- Historical agricultural use; and
- Hazard building material.

Based on their assessment, JKE are of the opinion that the AECs do not preclude the proposed development. Further AEC encounters during the construction of the proposed development are to be resolved in accordance with JKE's reporting, which recommends the following measures to better assess the risks associated with the contaminants of potential concern (CoPC):

- *Undertaking surface raking and picking of FCF containing asbestos from the surface by a licensed contractor, followed by a surface clearance from an Asbestos Assessor; and*
- *A Stage 2 investigation to characterise the site contamination conditions with intrusive soil analysis. At this stage groundwater testing is not considered necessary.*

These recommendations will form conditions of approval and are listed in section 12.



10.2.2 Tree Removal

An Arboricultural Impact Assessment (AIA), prepared by Tree Report, dated October 2019, has been prepared in support of the proposal (Appendix 4).

The report notes that there is one tree, a *Ficus rubiginosa* also known as a Port Jackson Fig (identified as tree 11), that is located wholly within the development footprint. This tree cannot be successfully retained and is recommended for removal.

This Tree is approximately 8 meters high, has a canopy spread of 7m and is in good health. The whole tree will be required to be removed. The tree is relatively small and unlikely to produce large quantities of fruit or flowers. Therefore, it is unlikely to provide important habitat for threatened species, such as roosting or significant foraging habitat for flying foxes.

The two neighbouring tree protection zones (TPZ) will not be impacted as these are located outside of the proposed area of disturbance and there are no foreseeable impacts to these trees as a result of the proposed development.

The AIA report recommends:

Offset replacement planting to compensate for the loss of trees as part of this development should be such, that a net increase of canopy cover is ascertained within a 5-year time period. Species selection should be in co-ordination with Northern Beaches Council and consist of tree species which are endemic to the local area and suited to the size of the area of which they are planted.

This recommendation will form a condition of approval and is listed in section 12.

10.2.3 Bushfire Protection Assessment

The majority of the OFGS site is classified as Bushfire Prone Land (category: Vegetation Buffer) on the Northern Beaches Council Bush Fire Prone Land (BFPL) map as shown in Figure 15 below.



Figure 15. Council's Bush Fire Prone Land Map excerpt (source: NSW Planning Portal)

A Bushfire Protection Assessment, prepared by Eco Logical Australia Pty Ltd, dated 3 October 2019, has been prepared in support of the proposed sporting kiosk (Appendix 5).

The proposed development is located within an existing Special Fire Protection Purpose (SFPP) development but is a 'non-habitable' building and as such does not require Asset Protection Zones (APZ) applicable to SFPP development.

The assessment establishes that the kiosk is located where the available APZ result in a bushfire attack level of BAL-12.5.

The report concludes that the proposed kiosk complies with the Acceptable Solutions within 'Planning for Bush Fire Protection 2006' (see Table 2 in the report).

The report recommends that a Bush Fire Safety Authority be issued for the proposal.

10.2.4 Flood levels

A Civil Engineering Statement, prepared by Taylor Thomson Whitting (NSW) Pty Ltd, dated 1 October 2019, has been prepared in support of the proposal (Appendix 6).

The statement notes that that flood planning advice received from Northern Beaches Council indicates a flood planning level at the OFGS site of 75.25m AHD with a Probable Maximum Flood (PMF) level of 75.34m AHD.

The statement concludes:

The location of the Oval Kiosk is located outside of the Flood Planning Area as shown in Council's flood mapping and therefore will not be affected



during the 1% AEP storm event and PMF. The location of this kiosk in relation to the proposed flood levels is detailed in Appendix B. The proposed finished floor level of the kiosk is equal to 76.40 AHD which is above the maximum water level in the PMF.

There are no significant overland flow paths being blocked by the kiosk as indicated on the site survey. Localised overland flow is proposed to be directed around the kiosk through a spoon drain that will be appropriately sized for the upstream catchment during detailed design.

Due to the location of the Oval Kiosk and its proposed height, the proposal is satisfactory with regards to flooding and overland flow.

10.2.5 Biodiversity

A Biodiversity Assessment, prepared by Niche Environment and Heritage, dated 17 October 2019, has been prepared in support of the proposal (Appendix 7).

The assessment is based on field studies and includes a review of the biodiversity constraints of the study area and an assessment of the impacts of the project on threatened biodiversity.

The assessment finds that the proposed kiosk is not likely to significantly affect threatened species, populations, ecological communities or their habitats, and therefore an SIS is not required.

The report meets the assessment requirements for threatened biodiversity listed on the Biodiversity Conservation Act 2016 (BC Act) and matters of national environmental significance (MNES) listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The report notes the following:

*Vegetation within the subject site consisted of 19 planted native trees and areas of lawn. Trees consisted of 9 Small-leaved Fig (*Ficus obliqua*) and 13 Port Jackson Fig (*Ficus rubiginosa*). All 19 trees surveyed are above 5 m in height (Niche 2018). The tree to be removed is labelled number 11, Figure 2 and is a Port Jackson Fig (*Ficus rubiginosa*).*

No key habitat features such as hollows or nests were recorded during survey. No evidence of threatened species (such as flying fox scat) was recorded within the subject site. The tree to be removed is small and unlikely to produce large quantities of fruit or flowers. As such, the tree is considered unlikely to provide important habitat for threatened species, such as roosting or significant foraging habitat for flying foxes.

While the study area was considered to provide potential habitat for a number of threatened fauna, most of these would use such habitat rarely and would not be reliant upon it for survival or important breeding habitat.

The assessment notes the following potential impacts to biodiversity:



- Removal of a single tree
- Additional potential impacts are likely to be negligible provided management of impacts are consistent with recommendations and mitigation measures of this report.

The report concludes that the proposal is unlikely to result in any significant impacts to threatened biodiversity.

The report makes the following recommendations:

- *Clearing will be restricted to the vegetation occurring within the development footprint. Surrounding trees and bushland areas will not be impacted as part of the Project. See Tree Report (2019) for detailed descriptions of works to be undertaken.*
- *If unexpected threatened fauna or flora species are discovered, stop works immediately and a qualified Ecologist should be notified to undertake further assessment.*
- *Waste material, other than vegetation and tree mulch, is not to be left on site once the works have been completed.*
- *To prevent the spread of weed seed, all weed material removed should be disposed of in a suitable waste facility and not mulched on site. This is to avoid the reintroduction and further spread of weeds in the area. Weed management should be undertaken in accordance with Department of Primary Industries (DPI) Biosecurity Act 2015.*
 - *General Biosecurity Duty: All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable.*
- *Machinery should be washed following best practice hygiene protocols prior to being brought to site to prevent the spread of weed seed, pathogens and fungi. Hygiene protocols should be in accordance with DPI Biosecurity Act 2015.*
- *If nests or other breeding structures within trees are found by the tree contractor prior to clearing, works would not proceed until the Project ecologist has been contacted and has inspected and/or relocated any resident fauna.*
- *If fauna are injured during tree felling, the Project ecologist or WIRES should be contacted immediately to tend to the injured animal. Injured fauna should be taken to a local vet for treatment.*

The above recommendations will form conditions of approval and are listed at section 12.

10.2.6 Aboriginal heritage

An Aboriginal Objects Due Diligence Assessment, prepared by Niche Environment and Heritage, dated 13 October 2019, has been prepared in support of the proposal (Appendix 8).



The report concludes:

Aboriginal objects are protected under the National Parks and Wildlife Regulation 2009. On the basis of this assessment, it is unlikely that Aboriginal objects have survived within the Subject Area due to ground disturbances associated with de-vegetation, landscaping, maintenance, and decades of heavy pedestrian impact. The location of the Subject Area outside of close proximity to suitable landforms near larger water sources also indicates that the possibility of subsurface archaeological deposits is low.

No Aboriginal heritage constraints were identified for the proposed activity and no further investigation or impact assessment is required.

The proposed activity may therefore proceed with caution without a further Aboriginal Cultural Heritage Assessment (ACHA) or AHIP.

The report recommends:

- *All site workers and contractors should be inducted to the area and informed of their obligations under the National Parks and Wildlife Act 1974*
- *In the unlikely event that any Aboriginal objects are found and cannot be avoided, all activities with the potential to impact the objects must stop and an appropriately qualified archaeologist engaged to assess the findings, and notification is provided to the Office of Environment and Heritage.*
- *In the unlikely event that human remains are found, stop work, secure the site and notify the NSW Police and the Office of Environment and Heritage.*

These recommendations will form conditions of approval and are listed in section 12.

10.2.7 European Heritage

An Historical Heritage Constraints Assessment (HHCA), prepared by Niche Environment and Heritage, dated 2 October 2019, has been prepared in support of the proposal.

There are no items of heritage significance identified within the subject area. As previously noted in section 8 of this REF, an item of local heritage significance listed under the Warringah LEP 2011 has been identified within the vicinity of the subject area.

This heritage item is the Oxford Falls Public School (now known as the Oxford Falls Peace Park). It was built between 1926 and 1950 and is a single storey school building of timber weatherboards with gabled corrugated metal roof and brick chimney in front gable. There is a verandah along its northern side enclosed by fibro and glazing. Brick piers and a skillion roofed have been added on the eastern side in the late 1940s.

The school is a representative small inter-war school building. It displays high integrity with much original fabric. It historically provides evidence of the extent of development in the inter-war period and was also the last single teacher school in Sydney when it closed.



The HHCA makes the following assessment:

The proposed development is not expected to change the setting, use, or directly modify the Oxford Falls Public School (I116) which is located 20 metres south of the Subject Area. The proposed kiosk will be consistent with the setting of the Oxford Falls Grammar School and nearby buildings. As such, it has been determined that the kiosk would not impact the visual setting of the area.

However, this assessment has identified that the proposed development would cause temporary indirect visual impact to the Oxford Falls Public School (I116) during constructions of the kiosk. Fencing of the Subject Area and the use of material and mechanical tools to build the kiosk have been identified as the main factors that would likely affect the heritage vistas of the item (I116).

In order to minimise the potential visual impacts on the heritage item, the HHCA makes the following recommendations:

- *Any material and machinery required for the construction of the proposed kiosk must be placed as far away as possible from the Oxford Falls Public School item (I116).*
- *The proposed kiosk is in keeping with the existing buildings and as such, this assessment has found that there are no visual impact constraints in relation to the Oxford Falls Public School item (I116).*
- *In case of further changes to the current proposed development an updated version of this assessment is recommended to comply with the compliance criterion 7D of the Planning Report for the Oxford Falls Development provided by Warringah Council (2006).*
- *In the unlikely event that historical archaeological remains are exposed works must cease in that area and an archaeologist should be engaged to assess the remains by means of the unexpected finds procedure.*

These recommendations will form conditions of approval and are listed in section 12.



10.3 Other Considerations

10.3.1 Traffic

During construction, traffic movements are assessed as low. Appropriate warning signage will be required to be erected at the entry to the site from Dreadnought Road advising works in progress and arrangements for materials delivery.

There will be no additional traffic impacts resulting from the ongoing use of the sporting kiosk.

10.3.2 Visual impacts

The proposed kiosk is a small building and is of a dark recessive colour. It will be below the existing tree canopy and therefore will not be visually unobtrusive.

10.3.3 Waste management

There will be minimal waste generated by the ongoing operations of the proposal.

10.4 Construction

The proposed construction and staging of works are minimal and anticipated to take 3-4 days. Construction works will involve;

- Site levelling
- The laying of road base
- The delivery and positioning of the shipping container
- Internal fit-out

A Construction Management Plan is contained at Appendix 10.



11 Summary of Impacts

The proposed works are within the OFGS site and include a modest single storey building that will have minimal impact on the environment.

Potential impacts assessed in this REF are:

- Contamination
- Biodiversity
- Bushfire
- Tree loss
- Visual impact on adjoining heritage items
- Possible discovery of aboriginal items

These potential environmental impacts can be mitigated by the measures recommended throughout this REF and listed as recommended conditions of approval in Section 12 below.

12 Mitigating measures, modifications or adaptations

In order to mitigate any environmental impacts resulting from the proposal the following conditions of approval are recommended:

CONDITIONS

Approved Plans and documentation

1. The development shall take place in accordance with the following plans and documents:

Drawing Number	Date	Prepared By
REF1000, issue 3, Site Plan	1 October 2019	Allen Jack + Cottier
REF2000, issue 3, Floor Plan	1 October 2019	Allen Jack + Cottier
REF3100, issue 3, Elevation	1 October 2019	Allen Jack + Cottier
REF3200, issue 3, Section	1 October 2019	Allen Jack + Cottier
REF4000, issue 3, Drainage and Sediment Control Plan	1 October 2019	Allen Jack + Cottier
Document Title	Date	Prepared by
State 1 Environmental Site Assessment	31 October 2019	J K Environments Pty Ltd
Arboricultural Impact Assessment	October 2019	Tree Report
Bushfire Protection Assessment	3 October 2019	Eco Logical Australia
Civil Engineering Statement	1 October 2019	Taylor Thomson Whitting
Biodiversity Assessment	17 October 2019	Niche Environment and Heritage
Aboriginal Due Diligence Assessment	13 October 2019	Niche Environment and Heritage
Historical Heritage Constraints Assessment	2 October 2019	Niche Environment and Heritage

Site remediation

2. In order to ensure that the site can be made suitable for the proposed development, prior to the commencement of site works, the following shall be undertaken:
 - (i) In the event that asbestos is identified, surface raking and picking of fibre cement fragments (FCF) containing asbestos from the surface by a licensed contractor, followed by a surface clearance from an Asbestos Assessor; and



- (ii) A Stage 2 investigation to characterise the site contamination conditions with intrusive soil analysis.

Tree replacement

- 3. In order to offset the tree be removed, a replacement tree is to be planted elsewhere on the site. Species selection should be consistent with the typical requirements of Northern Beaches Council and consist of a tree species which is endemic to the local area and suited to the size of the area in which it is planted.

Biodiversity

- 4. Clearing will be restricted to the vegetation occurring within the development footprint. Surrounding trees and bushland areas will not be impacted as part of the Project. See Tree Report (2019) for detailed descriptions of works to be undertaken.
- 5. If unexpected threatened fauna or flora species are discovered, stop work immediately and a qualified Ecologist should be notified to undertake further assessment.
- 6. Waste material, other than vegetation and tree mulch, is not to be left on site once the works have been completed.
- 7. To prevent the spread of weed seed, all weed material removed should be disposed of in a suitable waste facility and not mulched on site. This is to avoid the reintroduction and further spread of weeds in the area. Weed management should be undertaken in accordance with Department of Primary Industries (DPI) Biosecurity Act 2015.
- 8. General Biosecurity Duty: All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable.
- 9. Machinery should be washed following best practice hygiene protocols prior to being brought to site to prevent the spread of weed seed, pathogens and fungi. Hygiene protocols should be in accordance with DPI Biosecurity Act 2015.
- 10. If nests or other breeding structures within trees are found by the tree contractor prior to clearing, works would not proceed until the Project ecologist has been contacted and has inspected and/or relocated any resident fauna.



11. If fauna are injured during tree felling, the Project ecologist or WIRES should be contacted immediately to tend to the injured animal. Injured fauna should be taken to a local vet for treatment.

Aboriginal Objects

12. All site workers and contractors should be inducted to the area and informed of their obligations under the National Parks and Wildlife Act 1974
13. In the unlikely event that any Aboriginal objects are found and cannot be avoided, all activities with the potential to impact the objects must stop and an appropriately qualified archaeologist engaged to assess the findings, and notification is provided to the Office of Environment and Heritage.
14. In the unlikely event that human remains are found, stop work, secure the site and notify the NSW Police and the Office of Environment and Heritage.

Heritage

15. In order to minimize visual impacts, any material and machinery required for the construction of the proposed kiosk must be placed as far away as possible from the Oxford Falls Public School heritage item.
16. In case of further changes to the current proposed development an updated version of this assessment is recommended to comply with the compliance criterion 7D of the Planning Report for the Oxford Falls Development prepared by Warringah Council (2006).
17. In the unlikely event that historical archaeological remains are exposed works must cease in that area and an archaeologist should be engaged to assess the remains by means of the unexpected finds procedure.



13 Conclusion

The assessment documented in this REF finds that the proposed sporting kiosk and associated tree removal will not have any 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 3-9).

The proposal 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 sporting kiosk will improve school amenities and make a positive contribution to the community. It is visually sympathetic to its semi-rural setting and will not result in any significant 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 OFGS's duty to comply with the requirements of the Code

I, Danielle Deegan, (an agent of Oxford Falls Grammar School), 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: @@@



Appendix 1
Last Consent issued by Council DA2016/0662



Appendix 2 Architectural Drawings

DRAFT



Appendix 3 Stage 1 Environmental Site Assessment



Appendix 4 Arboricultural Impact Assessment



Appendix 5 Bushfire Protection Assessment



Appendix 6 Civil Engineering Statement



Appendix 7 Biodiversity Assessment



Appendix 8 Aboriginal Objects Due Diligence



Appendix 9 Historical Heritage Constraints Assessment



Appendix 10 Construction Management Plan