



## Decision Statement

### Background

Oxford Falls Grammar School (OFGS) is the proponent for the proposed construction of a sporting kiosk, located in the south-western corner of the school site on land known as Lot 100 DP 1240806, No 1078 Oxford Falls Road, Oxford Falls.

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

D.M. Planning Pty Ltd has prepared an REF to assess the potential impacts of the proposed activity in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EPA Act), clause 228 of the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation) and the Code.

In order for the activity to proceed, OFGS must make a determination of the REF in accordance with Part 5 of the EPA Act.

### Description of the proposed activity

The proposed sporting kiosk is a small, single storey building, constructed from a retrofitted shipping container. The purpose of the kiosk is to support the various sporting activities that take place on the adjacent sporting fields by providing a storage and distribution facility.

The proposed kiosk has a floor area of 14.4m<sup>2</sup> and a height of 2.5m. It is proposed to be located on a 32m<sup>2</sup> levelled building platform comprising of road base.

The proposed kiosk will not affect student or staff numbers, and no additional car parking will be provided.

### Consultation

In accordance with the provisions of the Code, mandatory community consultation was undertaken between 21 November 2019 and 20 December 2019. Written notice was provided to the relevant State Government agencies being the NSW Rural Fire Service, NSW Roads and Maritime Services and Northern Beaches Council as well as the owners of neighbouring properties. These agencies and neighbours were invited to provide response submissions on the proposed activity within 21 business days of the date of the correspondence.

Response SYD19/01543/01 (A30330199) was received from Transport for NSW (TfNSW) and has been considered, noting that the development will remain wholly within OFGS’s allotment and out of TfNSW’s land.

### Consideration of Environmental Impacts

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

The main issues raised in the REF relate to:

- Legislative planning requirements of Commonwealth, State and local planning policies and legislation, specifically the State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017 (ESEPP) and school planning principles;



- Key environmental considerations, specifically in relation to bushfire prone land, ecology and heritage planning issues; and
- Efficient construction and operation of educational infrastructure to meet the needs of the growing population in the surrounding region.

The REF addresses the requirements of Part 5 of the *EPA Act* by considering, to the fullest extent possible, all matters affecting or likely to affect the environment from the proposed activity. The REF also considers factors prescribed under clause 228 of the *EPA Regulation*.

## Conclusion

The REF concludes that the proposed sporting kiosk is not likely to significantly affect threatened species, populations, ecological communities or their habitats.

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

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

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

## Determination

I Greg Morris, am authorised by Oxford Falls Grammar School to determine the proposal for a sporting kiosk and have not conducted the prior assessment of the Review of Environmental Factors (REF).

I have reviewed and examined the REF prepared by D.M Planning Pty Ltd for the proposed sporting kiosk at Lot 100 DP 1240806, No 1078 Oxford Falls Road, Oxford Falls, in accordance with Part 5 of the *EPA Act*.

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

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

1. Certification and compliance to be achieved in accordance with the National Construction Code (NCC).
2. Implementation and compliance with all mitigation measures stipulated in the REF.
3. The preparation of a Construction Environmental Management Plan (CEMP).

I can confirm that this Decision Statement and the REF for the proposed activity (sporting kiosk) will be made available on the school's website prior to the commencement of the proposed activity.

**Name: Greg Morris of Oxford Falls Grammar School**

**Date: 7<sup>th</sup> January 2020**