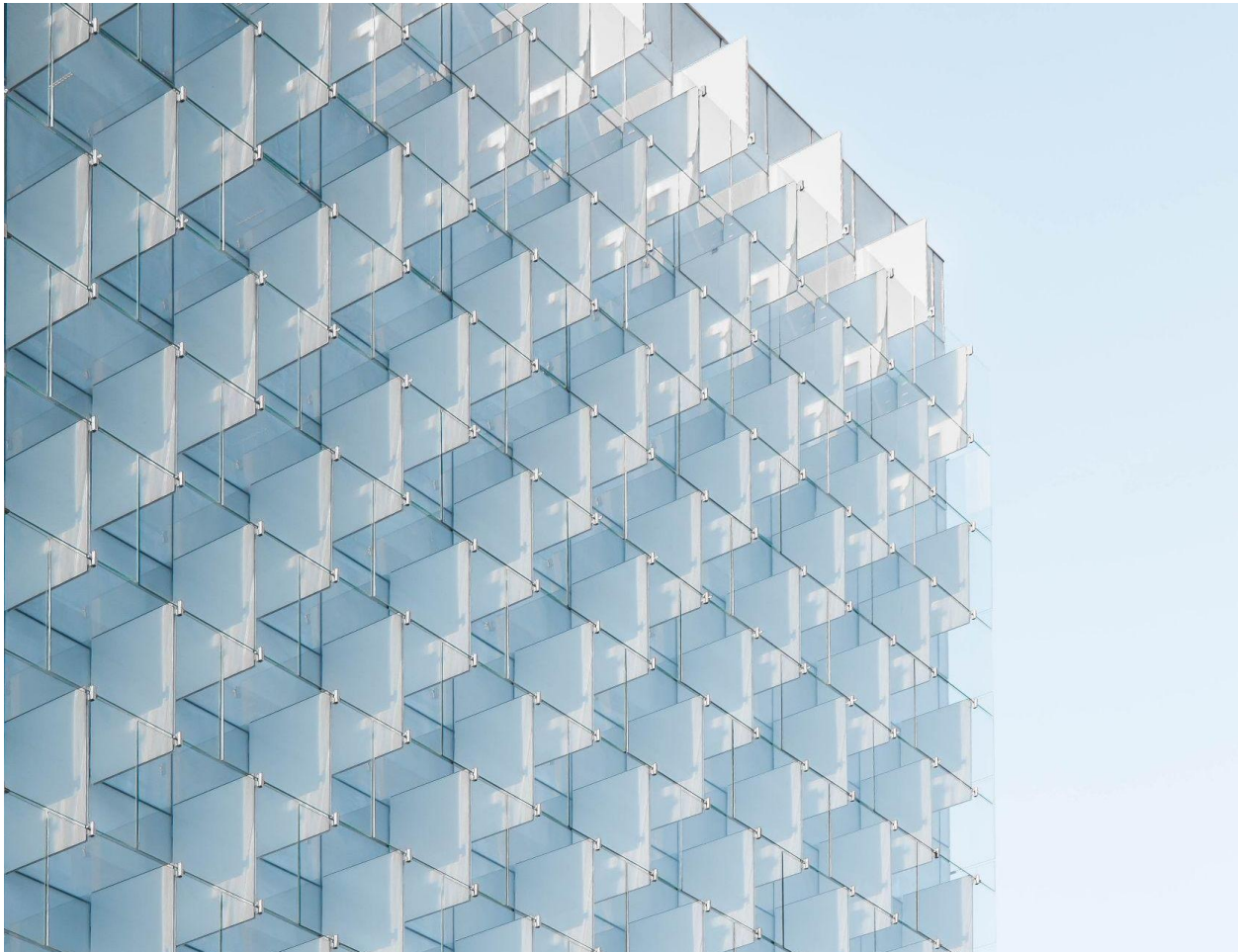


# WILLOWTREE PLANNING



22 December 2021

Ref: WTJ21-465  
Contact: Sophie Litherland



## REVIEW OF ENVIRONMENTAL FACTORS:

Proposed internal fitout and refurbishment works to the amenities  
Doyle Wing of Saint Ignatius' College Riverview

2-60 Riverview Street and Tambourine Bay Road, Riverview  
Lot 10 DP 1142773

—  
Prepared by Willowtree Planning Pty Ltd  
on behalf of Saint Ignatius' College Riverview

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3	Heritage Impact Assessment	NBRS
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## EXECUTIVE SUMMARY

This Review of Environmental Factors (REF) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of St Ignatius College, Riverview in relation to the internal fit out and refurbishment to create new amenities and change rooms within the existing campus boundaries of Saint Ignatius' College Riverview, 2-60 Riverview Street and Tambourine Bay Road, Riverview (the Site)

The proposal will include for the conversion of existing storeroom space to create new Visitor Amenities and Student Change Room areas as well as the refurbishment of the existing Student Amenities.

Riverview College is a registered non-government school (RNS) pursuant to clause 277 of the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation).

A non-government school is a public authority within *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP).

Riverview College is prescribed as a 'public authority' pursuant to the provisions contained within Part 5 of the *Environmental Planning and Assessment Act 1979* (EPA Act) for the purposes of assessing and carrying out 'development without consent' under clause 36 of ESEPP. As such, works within the scope of clause 36 of the ESEPP may be undertaken as 'development without consent'.

As an RNS, Riverview College is prescribed as a determining authority for these purposes and is therefore subject to the environmental assessment requirements pursuant to Part 5 of the EPA Act. Pursuant to clause 36 of ESEPP, the following works are permitted without development 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),***

The proposal seeks to construct works in accordance with clause 36(1)(b)(i) and (iii) of ESEPP for the purposes of the fit out and alterations to form new amenities to improve services to the existing school.





For development that is permitted without consent, Section 5.5 of the EP&A Act requires the determining authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. To support this duty, Clause 228 of EP&A Regulation identifies the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment. This REF has been prepared in order to document this assessment.

Accordingly, the likely impacts of the proposal have been examined in depth, and the assessments undertaken demonstrate that all potential environmental impacts may be suitably managed through the mitigation measures documented herein. This REF therefore forms the conclusion that the proposed activity is unlikely to significantly affect the environment, and therefore an Environmental Impact Statement (EIS) would not be required.






## DECLARATION AND DETERMINATION

This REF is reflective of a true, impartial and fair review of the proposal in relation to its potential effects on the environment having regard to applicable statutory considerations. It addresses all relevant matters affecting, or likely to affect the environment as a result of the proposal. The information contained within this REF is not considered to be false or misleading and is provided in good faith.

The REF has been prepared in accordance with the relevant provisions of the EP&A Act, the EP&A Regulation and its associated State Environmental Planning Policies.

On the basis of the consideration of key environmental aspects and the information presented in this REF, it is concluded that by adopting the mitigation measures identified in this assessment it is unlikely that there would be any significant environmental impacts associated with the proposal and that an EIS is not needed and the proposal is not required to be assessed as State Significant Infrastructure (SSI) by DPIE.

This REF 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. The information contained in this REF is neither false nor misleading and on balance, although some impacts would occur, the proposal is recommended to proceed given its stated need and justification.

Person(s) who prepared the REF:	
<i>I confirm I have prepared this REF and it is neither false or misleading.</i>	
Name:	Sophie Litherland
Position:	Associate, Willowtree Planning
Signature:	
Date:	21/12/21

Reviewer:	
<i>I confirm I have examined this REF and am satisfied it addresses to the fullest extent possible, all matters affecting or likely to affect the environment.</i>	
Name:	
Position:	
Signature:	
Date:	







**Determination**

*I have delegation to accept this REF on behalf of St Ignatius College, Riverview as the determining authority and determine that the proposal can proceed subject to the mitigation measures identified being implemented.*

Name:	
Position:	
Signature:	
Date:	





## PART A PRELIMINARY

### 1.1 INTRODUCTION

This Review of Environmental Factors (REF) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Saint Ignatius' College Riverview in relation to the internal fit out and refurbishment works to the Doyle Building within the existing campus boundaries of Saint Ignatius' College Riverview (the College), 2-60 Riverview Street and Tambourine Bay Road, Riverview (the Site)

It is understood that the proposed works are required to provide updated and more useable amenities for this part of the College. As such, the proposal will include the conversion of the existing storeroom space to create new Visitor Amenities and Student Change Room areas as well as the refurbishment of the existing student amenities.

### 1.2 SITE LOCATION AND CHARACTERISTICS

The College Site comprises some 40 hectares, including the Main Campus (Senior School) and Regis Campus (Junior School). The Site is legally described as Lot 10 DP 1142773 and is owned by The Trustees of the Jesuit Fathers a body corporate by virtue Roman Catholic Church Communities' Land Act 1942 No 23 (NSW). The College leases the Site from the landowner.

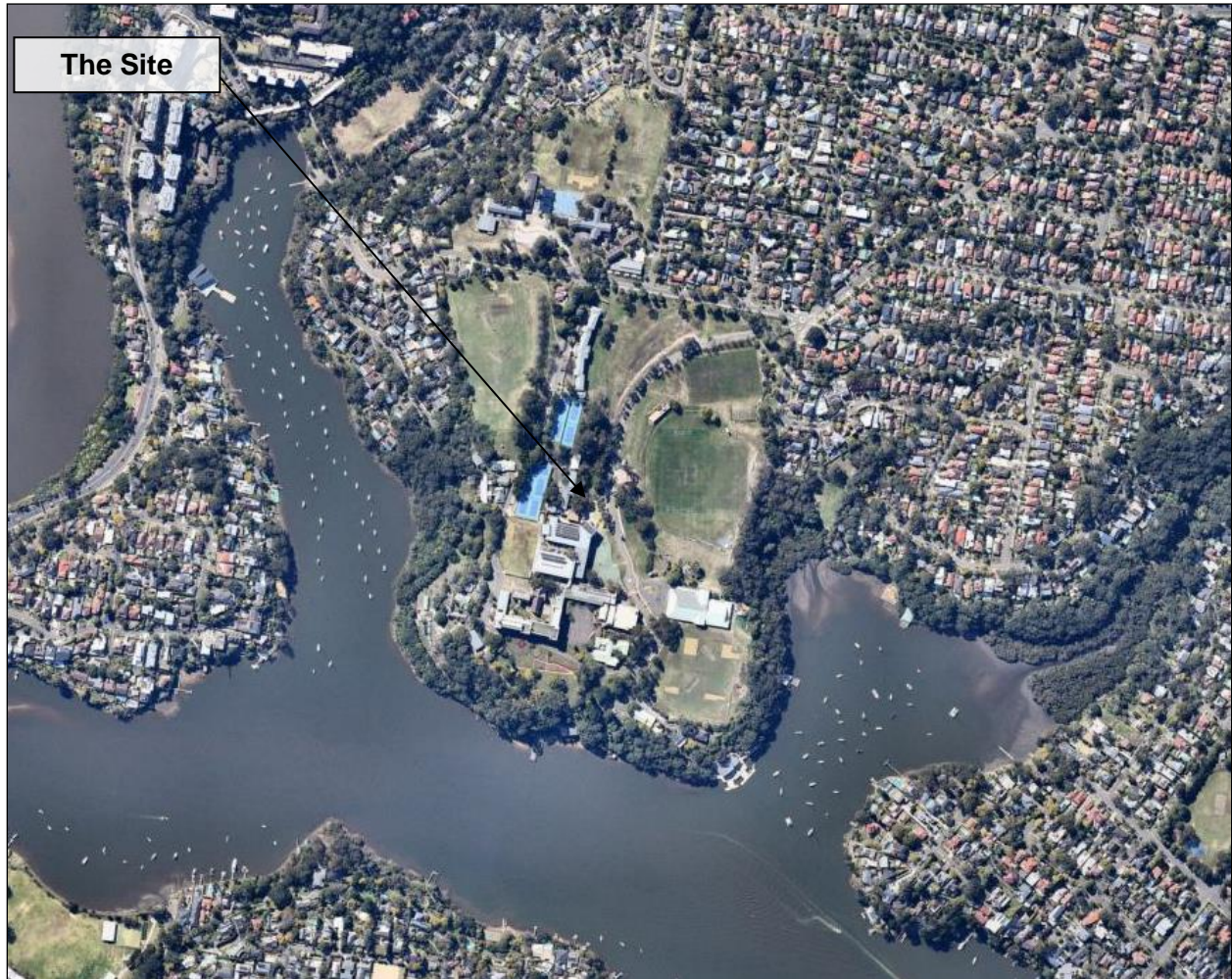
The Site is located in the suburb of Riverview within the Lane Cove Local Government Area. The Site is bounded by Riverview Street to the north, Tambourine Bay Road to the east and the Lane Cove River to the south and west which has a prime waterfront position on the Lane Cove River.

The School is also broken into two campuses being Senior School (Main Campus) and Junior School (Regis Campus).

The Doyle Wing is located on the southern end of the senior campus, to the west of the Third Yard and south of the Wallace Building. It is bordered on the south by a small area of lawn adjacent to Loyola Drive above the Rose Garden.

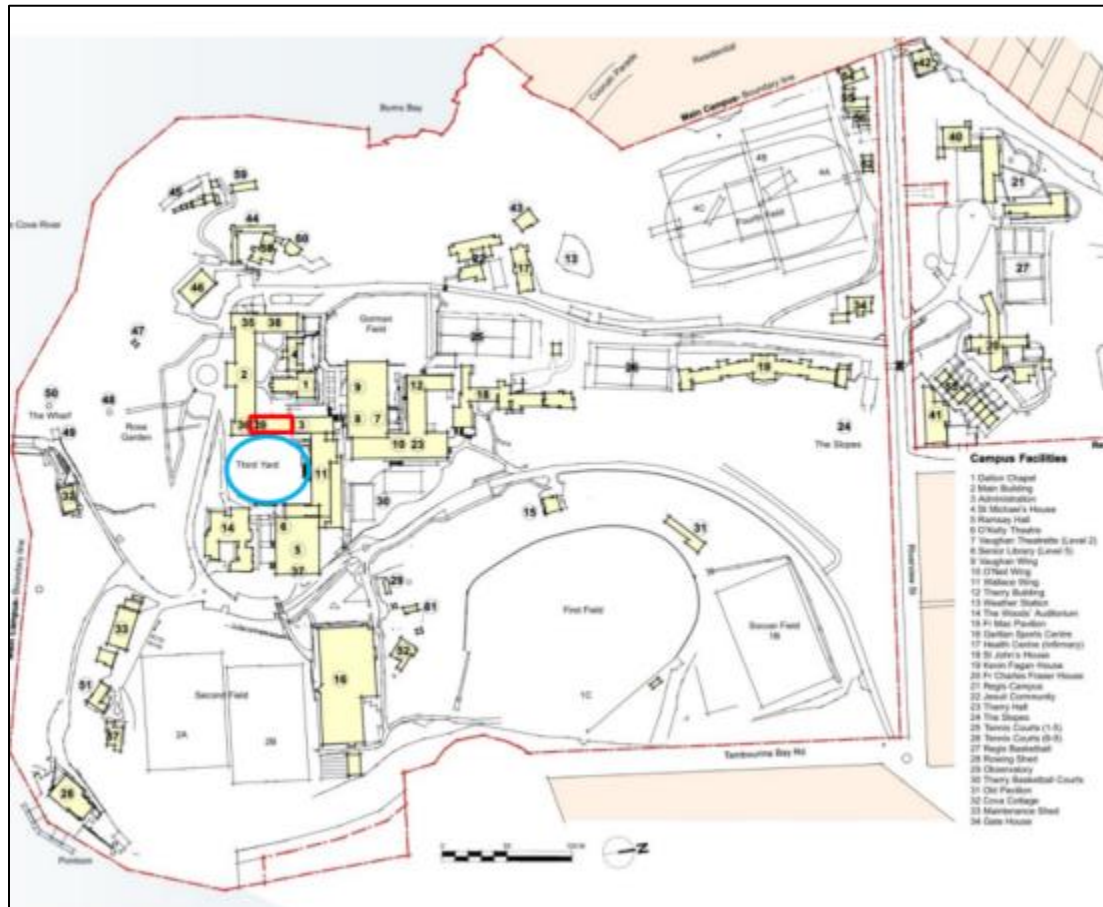
**Figure 1** below provide an aerial photograph of the college. **Figure 2** provides a map of the college ground and specific location of the proposed works.





**Figure 1. Aerial of the Site** (Source: Nearmap, 2021)





**Figure 2. Site Map School** (Source: PMDL Architects, 2021)

The existing campus, like many school campus developments, is characterised by a collection of buildings and facilities, which have been developed in isolation, without maximising opportunities for collaboration or connection.

Of significance, the College includes, amongst other buildings and land uses, the following:

- Chapel;
- Administration Buildings;
- Classrooms and Learning Spaces;
- Library;
- Halls
- Refectory, Kitchen and Canteen;
- Boarding Houses;
- Health Centre;
- Long Day Care Centre
- Sporting facilities including playing fields, gymnasium, swimming pool, rowing sheds, sailing club, basketball, cricket nets, mountain biking track and tennis courts;





- Observatory;
- Wharf connecting to the Lane Cove River;
- Staff residences;
- Weather station;
- Storage, maintenance, loading and waste management facilities.

A range of built form and building heights exists across the College, which is typical of an Educational Establishment.

A vehicular/pedestrian loop road also exists through the Main Campus (Senior School) of the College providing two entrances and exits at Riverview Street. A further entrance and exit from Riverview Street services the Regis Campus (Junior School).

### 1.3 DEVELOPMENT HISTORY

The Minister for Planning granted development consent on 24 June 2016 for the Concept Master Plan Approval and Stage 1 Built Form Approval for Saint Ignatius' College Riverview (SSD 7140) for the following:

- Concept Proposal for the staged redevelopment of the Saint Ignatius' College Riverview Senior School Campus over a 30 year period, comprising:
  - Demolition works;
  - Construction of new buildings and recreation facilities;
  - Refurbishment and expansion of existing buildings;
  - Vehicular access, car parking and pedestrian circulation arrangements;
  - New recreation and outdoor spaces; and
  - Associated landscaping.
- Stage 1 Works, including the expansion and refurbishment of the existing buildings in the Therry Precinct and associated landscaping.

Pursuant to Section 4.24 of the EP&A Act, "while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site".

SSD 10424, for Stage 2 Built Form Approval was granted consent on 25<sup>th</sup> October 2021 by the Minister of Planning and included:

- demolition works, removal of services and construction of new five storey building (Ignis building) to accommodate flexible teaching and learning facilities, six pastoral care areas, staff rooms, multi-purpose;
- hall, canteen and basement service level;
- internal demolition works and refurbishment of the O'Neil Building to integrate with the new building; redevelopment of the courtyard area and inclusion of a covered outdoor learning area; and
- associated landscaping upgrade works.





## 1.5 LAND OWNERSHIP

The land is under ownership by the Trustees of the Jesuit Fathers.

## 1.6 CURRENT AND ONGOING USE

The School is a non-selective, single sex boys, non-government school for students from Kindergarten to Year 12.

The student and staff population of the School has grown over the many decades of the School's operation, and the new learning spaces have been designed and scaled to cater to this growth. The proposed development would not however itself impact on student enrolments or staff employments.

The standard teaching hours of the School are 9:00am to 3:30pm Monday to Friday.

## 1.7 SITE CONSTRAINTS

The 10.7 (2) and (5) Certificate (Ref: 1869, dated 24 November 2021) (**Appendix 1**) has been reviewed and a summary of key information is provided in **Table 1**.

<b>Table 1. Review of 10.7 Certificate</b>	
<b>Matter</b>	<b>Relevant to Site?</b>
Critical habitat	No
Conservation area	No
Heritage item	Yes
Coastal protection	No
Mine subsidence district	No
Road widening or realignment	No
Landslip	No
Bushfire	Yes - away from proposed works
Tidal inundation	No
Subsidence	No
Acid sulphate soils	Yes
Flood related development controls	<i>Lane Cove Development Control Plan 2010 (LCDCP) provides flood controls</i>
Overland flow	Unknown
Land reserved for acquisition	No
Contribution plans	<i>Lane Cove Section 94 Contributions Plan</i>
Biodiversity certified land	No
Biobanking agreements	No
Property vegetation plan	No
Tree orders	No
Part 3A directions	No
Site compatibility certificate for seniors housing, infrastructure, affordable housing	No





<b>Table 1. Review of 10.7 Certificate</b>	
<b>Matter</b>	<b>Relevant to Site?</b>
Site verification certificate	No
Affected building notice or building product rectification order	No
<i>Contamination Land Management Act 1997</i> -significantly contaminated, management order, approved voluntary management proposal, ongoing maintenance order, site audit statement	No
Tree preservation order	No

Accordingly, the only constraint affecting the site is a heritage item listing under LCLEP2009, based on the information documented in the 10.7 Certificates.

### **1.8 NEED FOR THE PROPOSAL**

The proposed works are required in order to provide additional facilities for students and visitors to the College, custom designed to meet the specific needs of the School's current student and staff population.

The existing storage space is redundant to the current operations of the School and the new fit out and refurbishment will provide much needed updated and additional amenities to be used in conjunction with the Third Yard sports courts.

As such, the proposed fitout and refurbishment of the ground floor are essential to supporting the role of the School in providing more modern and equitable facilities.

### **1.9 PROPOSAL OBJECTIVES**

The following objectives form the basis of the proposed development within the grounds of the existing School:

- Meet the functional requirements of the School through the provision of a refurbished space;
- Integrate with and complement the existing School facilities;
- Minimise environmental and amenity impacts; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the proposal as it allows for the development of a new and enhanced learning space for educational purposes, on land that forms part of the established School.

### **1.10 JUSTIFICATION**

The minor alterations works are required to facilitate the refurbishment of the existing ground floor of the Doyle Wing adjacent to the Third Yard to provide updated and more useable amenities. An alternative is to do nothing. This would result in outdated facilities which no longer meet the needs of the College. Such





an outcome would be inconsistent with the objective to provide adequate and equitable amenities to the student population and visitors to the College.

Accordingly, the option proposed pursuant to this REF is considered to result in the greatest functionality and best outcome for the College, whilst having no unacceptable environmental, social or economic impacts.

### **1.11 CLASS OF ACTIVITY**

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

*Minor School works include minor alterations to school buildings and structures; internal works; fitouts; accessibility works; restoration, replacement and repair works; and security measures such as fencing.*

These works still require a REF, however, require a less detailed assessment given the likely minimal environmental impact. Due to their minor nature, these works will not require the same level of consultation than other school development works.

Minor Class 1 works require RNSs to place the REF on their website to make the proposal and relevant parts of the assessment publicly available

### **1.12 STATUTORY APPROVALS PATHWAY**

The proposed refurbishment and fit out to form new amenities for students and visitors is permitted *without* consent, pursuant to Clause 36 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP).

For development that is permitted without consent, Section 5.5 of the EP&A Act requires the determining authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. To support this duty, Clause 228 of the EP&A Regulation identifies the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment.

This REF has been prepared in order to document this assessment.

The determining authority for this REF would be St Ignatius College Riverview.

### **1.13 STATUTORY CONSULTATION**

The ESEPP establishes requirements for consultation, in certain instances, with the local Council (being Lane Cove Council in this instance) and/or occupiers of adjoining land.







Whilst Clause 37 establishes notification requirements for certain school development that is permitted without consent, these provisions do not apply to development under Clause 36(1)(b) (being the specific subclause under which the internal fitout works are being proposed).

Notwithstanding, additional consultation requirements are provided in Part 2, Division 1 of the Education SEPP, including for consultation with Council and/or other public authorities. The only clause 'triggered' by the proposal would be Clause 11, which requires consultation with Council where a proposal may affect local heritage. In accordance with the requirements of Clause 11, written notice of the intent to carry out the activity was given to Council on 9<sup>th</sup> November 2021, and any response received within 21 days would have been taken into consideration. It is noted that no submissions were received.

#### **1.14 ENVIRONMENTAL IMPACTS AND JUSTIFICATION**

The likely impacts of the proposal have been examined in depth, and the assessments undertaken demonstrate that all potential environmental impacts may be suitably managed through the mitigation measures documented herein.

This REF therefore forms the conclusion that the proposed activity is unlikely to significantly affect the environment, and therefore an Environmental Impact Statement (EIS) would not be required.





## **PART B PROPOSED DEVELOPMENT**

### **2.1 PROPOSAL OVERVIEW**

The proposed works, as detailed in the accompanying architectural plans, involves the refurbishment of existing spaces within the ground level of the Doyle Wing building, including upgrading of change room facilities and provision of additional bathroom facilities.

The proposal includes:

- Conversion of a redundant storage space and construction of new visitor amenities including a new accessible WC;
- Conversion of a redundant storage space and construction of a new change room space;
- Refurbishment of the existing student bathroom area; and
- Addition of new glazing and door leafs to the existing openings along the eastern façade facing the Third Yard.

The aim of the proposal is to update and improve the visitor and student amenities to support the ongoing future use of this area of the school.

Extract of floor plan is provided below in **Figure 3**.

Further details of the proposed development are provided in the Architectural Drawings at **Appendix 2**.



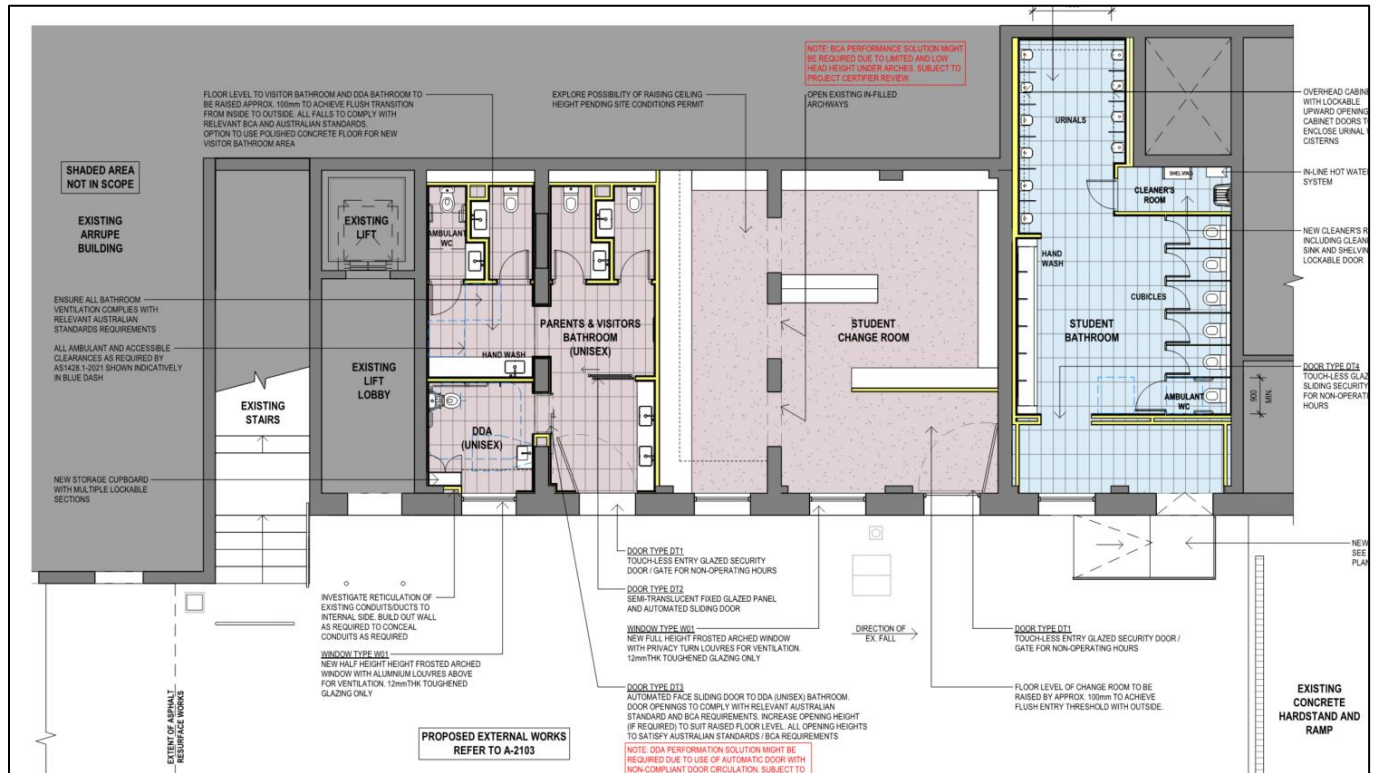


Figure 3. Site Plan (RFA Architects 2021)

## 2.2 SITE INFRASTRUCTURE

The site accommodates the existing School and therefore is serviced by all essential services and utilities.

The design and future construction of the fitout works would take into the account the location of existing services and utilise the services as required.

## 2.3 TRAFFIC, PARKING AND ACCESS ARRANGEMENTS

There would be no changes to vehicular access, parking or servicing, in conjunction with the development.

## 2.4 CONSTRUCTION DETAILS

This REF recommends the preparation and implementation of a detailed Construction Management Plan (CMP), prior to commencement of works. The CMP should outline suitable construction site hoardings, signage, hours of work, noise and vibration minimisation measures, site facilities and traffic control to ensure construction operations are managed to minimise impacts on surrounding properties. The CMP will ensure the works are carried out in line with the *Environmental Site Management Specification 2007* and meet council requirements.





## PART C LEGISLATIVE AND POLICY FRAMEWORK

### 3.1 STATUTORY PLANNING FRAMEWORK OVERVIEW

This section of the REF assesses and responds to the relevant current and draft Commonwealth, State and Local planning controls and policies, including:

#### **Commonwealth Planning Context:**

- *Environment Protection and Biodiversity Conservation Act 1999*

#### **State Planning Context:**

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Contaminated Lands Management Act 1997*
- *Heritage Act 1977*
- *Local Government Act 1990*
- *National Parks and Wildlife Act 1974*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities)*
- *Lane Cove Local Environmental Plan 2009;*

Detailed consideration of this planning framework is provided in the following sections.

### 3.2 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the EPBC Act as Matters of National Environmental Significance (MNES).

Under the EPBC Act, a person must not, without an approval under the Act, take an action that has, will have or is likely to have, a significant impact on a MNES. These MNES are listed as:

- The world heritage values of a declared World Heritage property;
- The ecological character of a declared Ramsar wetland;
- A threatened species or endangered community listed under the Act;
- A migratory species listed under the Act;
- The environment in a Commonwealth marine area or on Commonwealth land.

Based on the Australian Government Protected Matters Search Tool map, the site is not identified as, or in close proximity to any, MNES.





### 3.3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION 2000

The EP&A Act is the overarching legislation for all development in NSW, and is supported by the EP&A Regulation.

Part 5 of the EP&A Act relates to infrastructure and environmental impact assessment, and is applicable to development that is permitted without the need for consent.

For development that is permitted without consent, Section 5.5 of the EP&A Act requires the determining authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Section 6.28(2) of the EP&A Act sets out controls for Crown building work and other Crown development, as follows:

*(2) Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia in force as at:*

*(a) the date of the invitation for tenders to carry out the Crown building work, or*

*(b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section.*

This REF has been prepared on behalf of St Ignatius College Riverview, who must review and authorise this REF in accordance with the NSW Code of Practice for Part 5 Activities. Whilst the proposal is not a Crown development, the ESEPP and clause 277(6)(b) of the EP&A Regulation allows St Ignatius College Riverview to be considered a 'public authority' who can determine 'development without consent'.

Clause 226(3) of the Regs also prescribes that the St Ignatius College Riverview as a determining authority for the REF, is considered to be the 'Crown' for the purposes of Crown Building Work and the application of clause 6.28 of the EP&A Act as it applies to the REF process for the development without consent approval pathway.

Groups DLA has prepared a BCA Compliance statement (**Appendix 4**) confirming that the proposal is capable of satisfying the relevant provisions of the BCA, as required by Section 6.28 of the EP&A Act. Therefore, further certification under Section 6.28 of the EP&A Act is not required prior to carrying out the work

To support this duty, Clause 228 of the EP&A Regulation identifies the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment.

### 3.4 CONTAMINATED LAND MANAGEMENT ACT 1997

The *Contaminated Land Management Act 1997* (Contaminated Land Act) aims to establish a process for investigating and (where appropriate) remediating land that the Environment Protection Agency (EPA) considers to be contaminated significantly enough to require regulation.

The 10.7 Certificate (**Appendix 1**) confirms that the site is not identified as significantly contaminated, or subject to a management order, approved voluntary management proposal, ongoing maintenance order or site audit statement, pursuant to the Contaminated Land Act.





### **3.5 HERITAGE ACT 1977**

The *Heritage Act 1977* (Heritage Act) seeks to identify, conserve, protect and promote an understanding of the State's heritage. Clause 57 of the Heritage Act requires approval to be granted for controlled activities affecting an item with an interim heritage order or listing on the State Heritage Register.

The site is not identified on the State Heritage Register and is not subject to an interim heritage order, and accordingly approval is not required under the Heritage Act.

### **3.6 LOCAL GOVERNMENT ACT 1990**

The *Local Government Act 1990* (Local Government Act) provides the legal framework for the system of local government for NSW, and sets out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government.

The proposed development would be wholly contained within the site boundaries and would not extend over the pathway, roadway or any other Council-owned land.

In the instance that, during the construction phases of the development, temporary road closures or work zones on the Council footpath or roadway were required, the relevant permit would first need to be obtained from Council.

### **3.7 NATIONAL PARKS AND WILDLIFE ACT 1974**

The *National Parks and Wildlife Act 1974* (NPW Act) seeks to conserve nature and cultural heritage, including places, objects and features of significance to Aboriginal people.

The site is not part of a National Park.

A basic search of the Aboriginal Heritage Information Management System (AHIMS) identifies no Aboriginal sites or place at or near the site.

Further, the site has been historically developed for the purpose of a School, including the specific development footprint which is currently occupied by the existing Doyle Wing. As such, the site is highly disturbed and it is considered that any Aboriginal items or places that may previously have existed, would have already been disturbed.

In accordance with the mitigation measures provided in **Part G**, if any item of Aboriginal archaeological significance is discovered during the works, work shall cease immediately and the National Parks and Wildlife Service shall be notified.

### **3.8 WATER MANAGEMENT ACT 2000**

The *Water Management Act 2000* (Water Management Act) aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.





Section 91 relates to Activity Approvals and outlines that a Controlled Activity Approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.

For the purposes of the Water Management Act, 'controlled activity' means:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

'Waterfront land' means:

- (a) *the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (b) *the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (c) *the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*
- (d) *if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,*

*where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.*

For development within 40m of a watercourse, a Controlled Activity Approval would be required.

It is understood that the site does not comprise, and is not within 40m of, a watercourse. Therefore, further consideration to the Water Management Act would not be required.

### **3.9 BIODIVERSITY CONSERVATION ACT 2016 AND REGULATION 2017**

The Biodiversity Conservation Act 2016 (BC Act) and Biodiversity Conservation Regulation 2017 (BC Regulation) aim to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Part 7 of the BC Act and Regulation relate to biodiversity assessment and approvals under the Planning Act (meaning the EP&A Act). Pursuant to Section 7.2(1) of the BC Act, development or an activity is likely to significantly affect threatened species if:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*





(c) it is carried out in a declared area of outstanding biodiversity value.

In relation to Section 7.2(1)(a) of the BC Act, it is noted that the specific portion of the site proposed to be developed, currently comprises no vegetation or mature canopy trees.

For completeness, with respect to subclauses (b) and (c) under Section 7.2(1) of the BC Act, it is relevant to refer to the BC Regulation. Pursuant to Clause 7.1 of the BC Regulation, proposed development exceeds the biodiversity offsets scheme (BOS) threshold for the purposes of Part 7 of the BC Act if it involves:

(a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or  
(b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

Regarding subclause (a), the threshold area of clearing would be 0.5ha (given the site exhibits an area between 1-40ha and is not subject to a minimum lot size). Based on the existing site and Proposed Location Plan, it is considered that the proposal would not require clearing of 0.5ha of native vegetation.

With respect to subclause (b), the site is not identified as comprising 'biodiversity value' in the Biodiversity Values Map.

As such, the BOS threshold would not be triggered pursuant to Clause 7.1 of the BC Regulation or Section 7.2(1)(b) of the BC Act.

Given the site is not mapped as comprising 'biodiversity value' in the Biodiversity Values Map, it would not constitute a 'declared area of outstanding biodiversity value' for the purpose of Section 7.2(1)(c) of the BC Act.

It should be noted that this does not overturn the recommendation and requirement above relating to Section 7.2(1)(a) of the BC Act and the need for further ecological assessment

### **3.10 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND**

*State Environmental Planning Policy No.55 - Remediation of Land* (SEPP 55) provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm.

Clause 7(1) of SEPP 55 requires the consent authority to consider whether land is contaminated prior to consent of a development.

The 10.7 Certificate (**Appendix 1**) confirms that the site is not identified as significantly contaminated, or subject to a management order, approved voluntary management proposal, ongoing maintenance order or site audit statement, pursuant to the Contaminated Land Act.

Further, the site has been historically developed and used for the purpose of a school, including the specific portion of the site now proposed to be refurbished for learning spaces.

Therefore, the site is considered to be suitable for continued use and development for the purpose of a school.







### **3.11 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

The ESEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

#### Clause 5 Interpretation

Clause 5 of the Education SEPP sets out the following in relation to interpretation of the provisions of the SEPP:

- (1) *A word or expression used in this Policy has the same meaning as it has in the Standard Instrument unless it is otherwise defined in this Policy*

**educational establishment** means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**school** means a government school or non-government school within the meaning of the Education Act 1990.

These definitions are relevant to the assessment of the proposed works as discussed below.

#### Part 4 School - Specific Development Controls

Part 4 of the ESEPP relates specifically to schools and identifies 'prescribed zones', including the SP2 zone (as relevant to the site).

#### Clause 36 School - Development Permitted Without Consent

Pursuant to Clause 36, certain types of development are permitted *without* consent, when carried out within the boundaries of an existing school and by or on behalf of a public authority.

The proposed works would be undertaken within the site boundaries of the existing School, and would be carried out by or on behalf of a public authority (being School Infrastructure NSW). Therefore, the prerequisites of Clause 36 would be satisfied.

Pursuant to Clause 36(1), the following types of development are permitted without consent:

- (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).

The proposed development as described in **Part B** can be considered minor alterations and addition being internal fitout and alterations to the external façade of a building that does not increase the buildings envelope, pursuant to clause 36(1)(b)(i) and (iii). This is due to the works occurring under the floor plate of the level above.

In order to determine if the proposed works can be considered as 'minor', it is relevant to consider whether the works will have an environmental impact which is other than minor. **Part D** of this REF notes that each component of the development is minor in scope or will result in only minor impacts. Therefore, it is considered that the works are minor in nature and are "minor alterations or additions" under Clause 36(1)(b) of the Education SEPP and are capable of proceeding as development without consent under Part 5 of the EP&A Act.

The additional relevant requirements to be satisfied in order for the proposed internal fitout works to be developed without consent, are addressed in the following table.

<b>TABLE 2. REQUIREMENTS FOR DEVELOPMENT WITHOUT CONSENT</b>	
<b>Education SEPP Clause</b>	<b>Assessment</b>
Clause 36(2)(a): <i>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),</i>	In accordance with Clause 36(2)(a), the proposed development does not require an alteration of traffic arrangements.
Clause 36(3): <i>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.</i>	A review of the existing and most recent development consents has confirmed that the proposal will not contravene any existing condition of consent that applies to the College in terms of hours of operation, noise, car parking, traffic generation, landscaping, waste management, or student or staff numbers.

For the purposes of clause 36, Riverview 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 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 Education SEPP. 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). '*

Given it has been demonstrated that the proposed internal fit out works are to be delivered within the boundaries of the existing School by or on behalf of a public authority, would comply with the relevant clauses of the ESEPP, the proposal would be permitted without consent.

It is noted that Clause 37 establishes notification requirements for certain development without consent, however these provisions do not apply to development under Clause 36(1)(c).

Notwithstanding, additional consultation requirements are provided in Part 2, Division 1 of the ESEPP, including for consultation with Council and/or other public authorities. The only clause 'triggered' by the proposal would be Clause 11, which requires consultation with Council where a proposal may affect local heritage. In accordance with the requirements of Clause 11, written notice of the intent to carry out the activity was given to Council on 9<sup>th</sup> November 2021, and any response received within 21 days would have been taken into consideration. It is noted that no submissions were however received.

Further, Clause 57 of the ESEPP nominates 'traffic generating development' which requires referral to Transport for NSW (TfNSW). Clause 57 applies to development for the purpose of an educational establishment:

- (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and*
- (b) that involves—*
  - (i) an enlargement or extension of existing premises, or*
  - (ii) new premises,**on a site that has direct vehicular or pedestrian access to any road.*

The propose internal fit out and refurbishment works will not increase the capacity of the school, and therefore Clause 57 would *not* be applicable.

### **3.12 NSW CODE OF PRACTISE FOR PART 5 ACTIVITIES**

The NSW Code of Practice for Part 5 Activities, for registered non-government schools (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 Education SEPP. 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 1.11, the proposal is classified as Class 1: Minor school development works.
- **STAGE 2 - ASSESSMENT**  
Comment: A detailed assessment of the proposal has been undertaken including, scoping and assessment. Consultation is not required.
- **STAGE 3 - DOCUMENTATION**  
Comment: This REF represents Stage 3 - Documentation.
- **STAGE 4 - DETERMINATION**  
Comment: Determination will be undertaken by a person authorised by Riverview 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**  
Comment: Implementation includes obtaining other approvals (if required), building certification and preparing management plans. As the building is existing, no other approvals are required.

### 3.13 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The *Lane Cove Local Environmental Plan 2009* (LCLEP2009) is the primary environmental planning instrument that applies to the site.

The relevant provisions of LCLEP2009 as they relate to the subject site are considered below:

#### 4.5.1 Zoning and Permissibility

The Site is zoned **SP2 Infrastructure - Educational Establishment** pursuant to LCLEP 2009.

The objectives of the zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Within the SP2 zone the following land uses are permitted without consent:

*Nil*

Within the SP2 zone the following uses are permitted with consent:

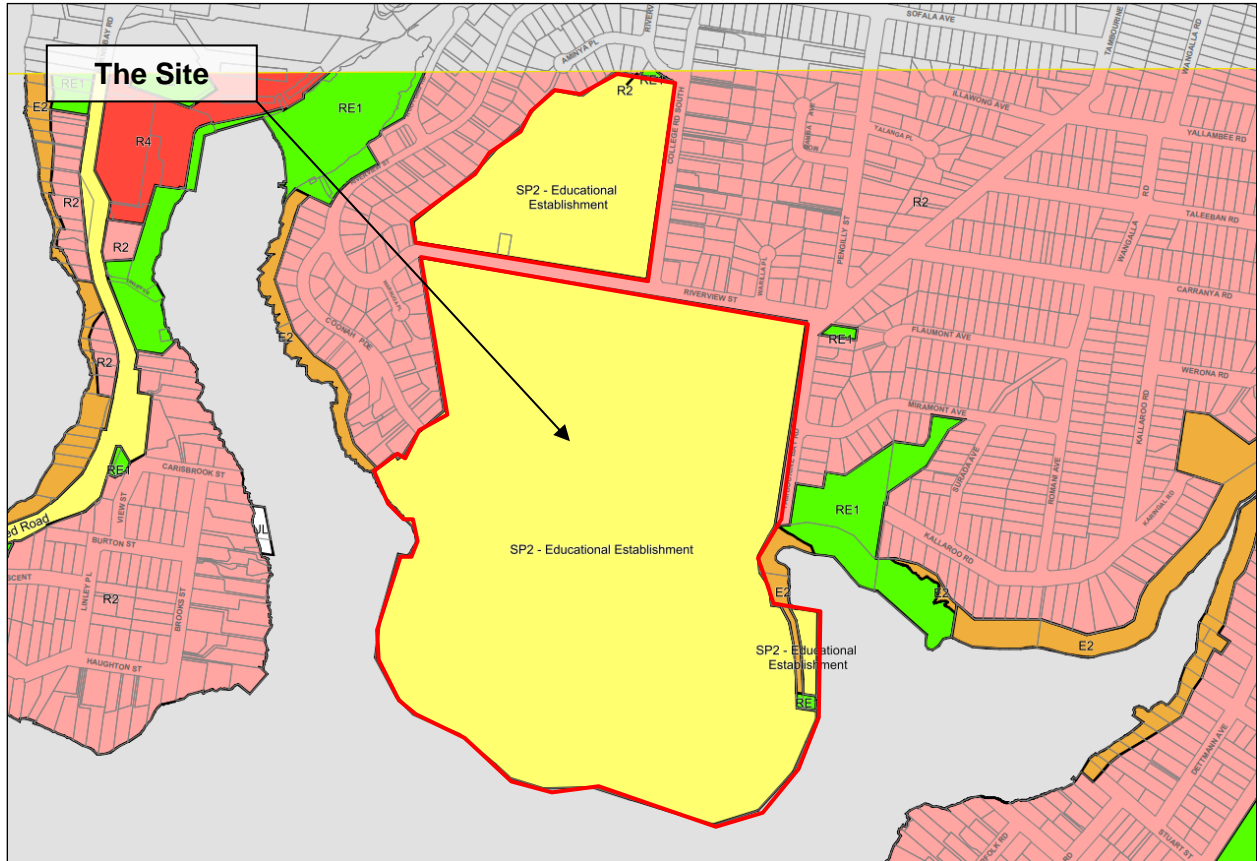




*Aquaculture; **The purpose shown on the Land Zoning Map**, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads; Signage*

Within the SP2 zone the following uses are prohibited:

*Any development not specified in item 2 or 3*



**Figure 4: LCLEP 2009 Zoning Map (NSW Legislation, 2021)**

**TABLE 3** outlines the developments consistency and compliance with the relevant development standards and controls under SLEP2012.

TABLE 3. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 4.3 – Height of Buildings	Pursuant to Clause 4.3 of the LCLEP 2009, the Site has a maximum building height of <b>9.5m</b> .





	The proposed shade structure is well below the 9.5m maximum height limit.
Clause 4.4 – Floor Space Ratio	<p>Pursuant to Clause 4.4 of LCLEP 2009, the Site has a maximum Floor Space Ratio (FSR) of <b>0.5:1</b>.</p> <p>The proposed development will not alter the gross floor area currently exhibited across the Site.</p>
Clause 5.10 – Heritage	<p>The Site is identified as an item of local heritage significance pursuant to LCLEP 2009, described as follows:</p> <ul style="list-style-type: none"> <li>▪ Item 319: Saint Ignatius' Headland (2-68 Riverview Street, Riverview).</li> </ul> <p>The Site is identified as a local heritage item under LCLEP 2009. Whilst the proposed works are not expected to impact directly on the identified heritage item, it will involve development within close proximity to the identified items. Refer to attached Heritage Impact Statement (HIS) at <b>Appendix 3</b>.</p> <p>The proposed development will not have any heritage impact on the cultural significance of the Main Quadrangle Precinct of St Ignatius' College, or the wider Site. The proposed development supports the historic and ongoing use of the place as a school and as such are acceptable in heritage terms.</p>
Environmental Protection Area	<p>A portion of the Site, located towards the waterfront, is identified as environmental protection land under LCLEP 2009.</p> <p>The proposed works are centrally located and will not have any direct impact on the identified environmental protection land. No further consideration is required.</p>
Clause 4.3 – Height of Buildings	<p>Pursuant to Clause 4.3 of the LCLEP 2009, the Site has a maximum building height of <b>9.5m</b>.</p> <p>The proposed will not alter the building height.</p>



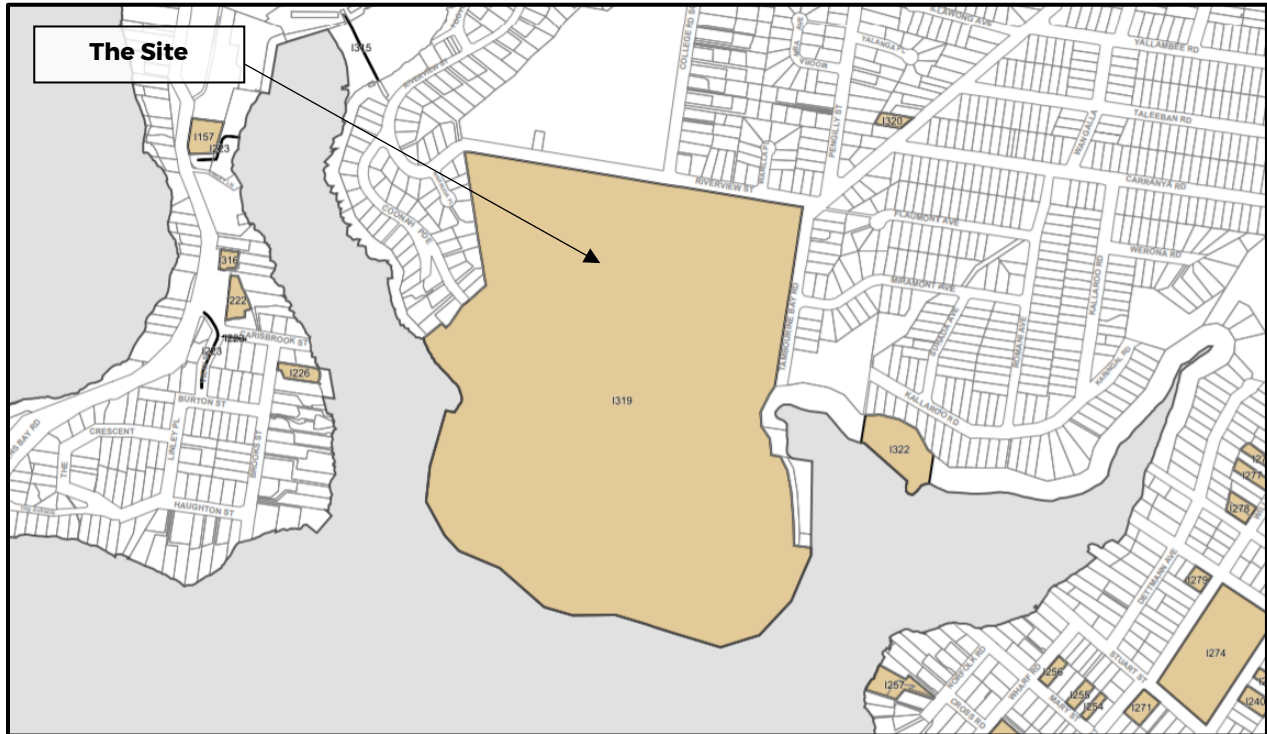


Figure 5: LCLEP 2009 Heritage Map (Source: NSW Legislation)





## PART D ENVIRONMENTAL IMPACT ASSESSMENT

### 4.1 ENVIRONMENTAL AMENITY

Table 4. Potential Environmental Issues	
Questions to Consider	Yes or No
Would the proposal be near any important landscape or be viewed by surrounding residents as obstructing to their views?	No
Would the proposal result in privacy concerns or reduce solar access to neighbouring properties?	No
Would the proposal introduce new building elements to the landscape / grounds and would this affect views or character of a place?	No

The proposed development has been designed to minimise and mitigate potential impacts on the amenity of the surrounding environment. Key considerations include:

- Solar access and overshadowing;
- Acoustic impacts;
- Visual privacy; and
- Views.

Being primarily internal, the proposed development secures a high level of amenity for the College whilst maintaining the amenity of surrounding properties. Accordingly, the proposal will have negligible environmental impacts on the amenity of the surrounding area. Neighbouring properties are not expected have any long-term effects from the proposed works.

### 4.2 ACOUSTIC IMPACTS

The College is located within a residential setting, therefore there is the potential that residents in the locality could be affected by the demolition and construction noise.

The construction works may have some minor noise and minimal vibration impact on existing residential development within the locality. It is anticipated however that these impacts will be able to be managed with the implementation of reasonable and feasible best practice work methods.

Recommended mitigation measures and work practices, including monitoring, consultation with stakeholders, work programming, site management and equipment management are incorporated into the mitigation measures set out within **Part G**.

### 4.3 NATURAL ENVIRONMENT

Table 5. Potential Environmental Issues	
Questions to Consider	Yes or No
Is any vegetation going to be impacted due to the works (i.e. clearing of trees and shrubs)?	No
Is the proposal likely to require removal of any mature trees?	No
Is the proposal likely to disturb natural waterways or aquatic habitat?	No
Are there known threatened species, endangered ecological communities, critical habitat, wetlands or rainforest in or near the proposal's footprint?	No







Table 5. Potential Environmental Issues	
Questions to Consider	Yes or No
Did a search on OEH database or local council vegetation mapping reveal anything of natural importance?	No

#### 4.4 TRANSPORT AND ACCESSIBILITY

Table 6. Potential Environmental Issues	
Questions to Consider	Yes or No
Are there high volumes of pedestrian and traffic movements near the proposal?	Yes
Would the proposal require temporary or permanent alternations to existing pedestrian, traffic, access, parking or transport conditions?	No
Would the proposal require high volumes of deliveries or bulky deliveries?	No
Are there any temporary road or footpath closures required outside of the school grounds?	No

##### 4.4.1 OPERATIONAL TRAFFIC

There would be no changes to vehicular access, parking, servicing or other traffic-related arrangements, in conjunction with the development.

Given the works are primarily internal and intended to serve the existing student and staff population, it is understood that there would be no additional traffic generation or demand for car parking and/or bicycle parking, as a result of the development.

##### 4.4.2 CONSTRUCTION TRAFFIC

Construction will be managed in accordance with the Construction Management Plan to be prepared and implemented prior to commencement of works.

##### 4.4.3 CONTAMINATION

The 10.7 Certificate (**Appendix 1**) confirms that the site is not identified as significantly contaminated, or subject to a management order, approved voluntary management proposal, ongoing maintenance order or site audit statement, pursuant to the Contaminated Land Act.

Further, the site has been historically developed and used for the purpose of a school, including the specific portion of the site proposed for internal fit out and refurbishment.

Therefore, the site is considered to be suitable for continued use and development for the purpose of a school.

#### 4.5 HAZARDS AND RISKS

Table 7. Potential Environmental Issues	
Questions to Consider	Yes or No
Is the proposal within a bushfire prone land? Does the <i>Planning for Bushfire Protection 2006</i> guidelines require consideration?	No





<b>Table 7. Potential Environmental Issues</b>	
<b>Questions to Consider</b>	<b>Yes or No</b>
Does the proposal require use of any chemicals or hazardous substances?	No
Does the proposal require removal of asbestos or any other hazardous substances?	No

#### **4.6 UTILITIES**

The Site accommodates the existing School and therefore is serviced by all essential services and utilities.

#### **4.7 HERITAGE**

##### **4.7.1 EUROPEAN HERITAGE**

Pursuant to LCLEP2009, the site is identified as a heritage item as follows:

- Item 319: Saint Ignatius' Headland (2-68 Riverview Street, Riverview).

The mapped area of the heritage listing is shown in **Figure 5** above.

It is noted that the proposal involves alterations and additions to the layout of existing storage and bathroom facilities located within the ground floor of the Doyle Wing, the former undercroft area. The proposed works will retain the original architectural character and design of the spaces and is considered to have a positive heritage impact.

Accordingly, a Heritage Impact Statement (**Appendix 3**) has been prepared to establish the cultural heritage significance of the site and assess, in accordance with the criteria established by the Heritage Council of NSW, the impact of the proposed development on that significance. The internal spaces and fabric associated within the ground floor of the Doyle Wing are of moderate significance, and do not make a significant contribution to the understanding of the wider historic precinct. Minor alterations and additions to the internal areas of the Doyle Wing will not be visible from the exterior, and as such, these additions will in no way alter the appreciation or interpretation of the historic character of the surrounding heritage precinct.

The design of the new exterior ramp (if required), windows and door leafs are clearly contemporary, and will read as secondary to the distinctive arches along the eastern facade. Overall, these additions in no way alter the overall appreciation or interpretation of the historic character of the surrounding heritage precinct, comprising buildings of higher significance than compared to the Doyle Wing.

The Heritage Impact Statement finds that '*Overall, these additions in no way alter the overall appreciation or interpretation of the historic character of the surrounding heritage precinct, comprising buildings of higher significance than compared to the Doyle Wing.*' Accordingly, the Heritage Impact Statement concludes that, subject to the recommendations contained therein, the proposal 'is considered to have an entirely acceptable heritage impact'.

##### **4.7.2 ABORIGINAL CULTURAL HERITAGE**

A basic AHIMS search identifies no Aboriginal sites or place at or near the site.





Further, the Site has been historically developed for the purpose of a School, including the specific development footprint which is currently occupied by sports courts and has been previously subject to bulk earthworks to create the flat pad which currently characterizes this region of the site. As such, the site is highly disturbed and it is considered that any Aboriginal items or places that may previously have existed, would have already been disturbed.

#### 4.8 BCA AND SECTION J COMPLIANCE

The BCA Compliance Statement (**Appendix 4**) provides an assessment of the proposed design against the relevant sections of the Building Code of Australia (BCA) and the National Construction Code (NCC). The Report summarises where the design achieves compliance with the prescriptive provisions of the BCA, and otherwise where detailed design is required to demonstrate BCA compliance.

In addition, an Architectural Design Statement (**Appendix 5**) confirms that the proposed new works will comply with the relevant Specifications of the NCC and Australia Standards.

It is noted that both the BCA and Architectural Statements exclude the compliance with Clause D1.63 of the BCA and accessibility compliance with Part D3 and Part F2.4 of the NCC due to the heritage nature of these openings. An Accessibility Report and an alternative design solution will be required as part of the modification measures in **Part G**.

#### 4.9 WASTE

Waste generated in association with the operation of the learning areas, would be managed in accordance with the site-wide system already implemented by the College. Mitigation measures for waste management during demolition and construction of the development are provided in **Part G**. Impacts associated with waste management are considered to be minor. Throughout the development process, materials must be reused and recycled where possible, minimising the disposal (landfilling) of materials other than those that are contaminated or unsuitable for reuse or processing.

#### 4.10 CONSTRUCTION MANAGEMENT (INCLUDING AIR AND POLLUTION)

Table 8. Potential Environmental Issues	
Questions to Consider	Yes or No
Would the proposal result in dust, particulate matter and other forms of air pollution?	No
Would the proposal require heavy truck and material deliveries?	Yes
Would the proposal require operation of heavy vehicles, mechanical plants or the like?	No

This REF recommends the preparation and implementation of a CMP, prior to commencement of works.

#### 4.11 CUMULATIVE IMPACTS

The cumulative impacts of the proposed works relate to both the potential impacts resulting from the demolition and construction works. The minor works do not result in an increase to student numbers, nor do they create any traffic related impacts.

Some minor demolition works are proposed, however related impacts are temporary in nature, with the estimated demolition occurring for a short period of time considering the minor nature of the works.

The proposed works are not considered to result in significant adverse cumulative impacts which would impact upon the amenity of the school site or surrounding developments and residents. The overall





benefits of the proposal (improvements to an aging facility) outweigh the minor impacts that may occur during the construction process. Therefore, any cumulative impacts associated with the proposal are considered to be minor and acceptable, subject to the implementation of mitigation measures as detailed in **Part C** of this REF





## **PART E CLAUSE 228 CHECKLIST**

For development that is permitted without consent, Section 5.5 of the EP&A Act requires the determining authority to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. To support this duty, Clause 228 of the EP&A Regulation identifies the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment.

The following matrix provides detailed consideration to the factors under Clause 228 of the EP&A Regulation.





<b>Table 9. Clause 228 Factors</b>			
<b>Factor</b>	<b>Potential impact</b>	<b>Mitigation measures</b>	<b>Impact</b>
a) any environmental impact on the community	<p>The proposal relates to land that has been previously developed and is surrounded by established built form and road infrastructure. Accordingly the proposal is not considered to exhibit any significant or adverse environmental impact on a community.</p> <p>Rather, the proposal presents the opportunity for the built environment of the site to be enhanced through the provision of a upgraded internal space building that is energy efficient and of high quality construction.</p> <p>Further, the proposal would enhance the School's functionality and create additional educational space for students and staff. Therefore the proposal would provide significant, long-term, positive impacts for the community.</p>	<p>The proposed works must be carried out in accordance with a detailed CMP.</p> <p>The development must be designed and constructed in accordance with the BCA and Section J of the NCC.</p>	<p>X Low  <input type="checkbox"/> Medium  <input type="checkbox"/> High</p>
b) any transformation of a locality	The proposal would support the ongoing operation of the established School, through providing new learning facilities. Accordingly, the proposal would not cause any transformation of the locality.	Nil.	<p>X Low  <input type="checkbox"/> Medium  <input type="checkbox"/> High</p>
c) any Environmental impact on the ecosystem of the Locality	The proposal does is internal with no tree removal proposed.	Nil	<p>X Low  <input type="checkbox"/> Medium  <input type="checkbox"/> High</p>
d) any reduction of the aesthetic, recreational, scientific or other	The proposal would not reduce the aesthetic, recreational, scientific or other environmental quality or value of the locality.	Nil.	<p>X Low  <input type="checkbox"/> Medium  <input type="checkbox"/> High</p>





<b>Table 9. Clause 228 Factors</b>			
<b>Factor</b>	<b>Potential impact</b>	<b>Mitigation measures</b>	<b>Impact</b>
environmental quality or value of a locality	<p>Rather, the proposal presents the opportunity for the aesthetic quality of the site to be augmented through the provision of an architecturally-designed building that would be integrated with existing mature trees and new landscaping.</p> <p>Additionally, given the site has been historically developed, it is not considered to comprise any recreational, scientific or other environmental value.</p>		
e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	<p>The specific region of the site proposed to be redeveloped, being the existing internal ground floor of Block D is considered to not exhibit any particular aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance.</p> <p>The social significance of the overall site relates primarily to its operation as a School, which the proposal would support and enhance through new learning spaces within the internal fabric of the building.</p> <p>Through the development of enhanced educational facilities, the proposal would benefit present and future generations.</p> <p>It is noted that whilst the site does contain a heritage item, the Heritage Impact Statement finds that 'the proposal will not result in any material affectation to significant heritage fabric and will sit quietly at the</p>	<p>The recommendations of the Heritage Impact Statement must be implemented, being:</p> <ul style="list-style-type: none"> <li>All works should be specified, supervised and carried out by people with knowledge, skills and experiences appropriate to the work.</li> </ul>	<p>X Low</p> <p><input type="checkbox"/> Medium</p> <p><input type="checkbox"/> High</p>





<b>Table 9. Clause 228 Factors</b>			
<b>Factor</b>	<b>Potential impact</b>	<b>Mitigation measures</b>	<b>Impact</b>
	<p>rear of the site without visually dominating the significant buildings on the site. The work is reversible and has taken into consideration maintaining significant views of the buildings on the site'.</p> <p>Accordingly, the Heritage Impact Statement concludes that, subject to the recommendations contained therein, the proposal 'is considered to have an entirely acceptable heritage impact'.</p>		
f) any impact on the habitat of protected fauna (within the meaning of the <u>National Parks and Wildlife Act 1974</u> )	Given that all works are internal, there is no expected impact to the habitat of any fauna.	Nil.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,	The proposal is entirely internal with no tree removal proposed.	Nil.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
h) any long-term effects on the environment	Given that all works are internal, there is no degradation of the long terms effects on the environment expected.	Nil	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
i) any degradation of the quality of the environment	Given that all works are internal, there is no degradation of the quality of the environment expected.	Nil	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High







<b>Table 9. Clause 228 Factors</b>			
<b>Factor</b>	<b>Potential impact</b>	<b>Mitigation measures</b>	<b>Impact</b>
j) any risk to the safety of the environment	The proposal is not anticipated to pose any unreasonable risk to the safety of the environment, subject to the adoption of suitable construction methodologies and site security measures.	The proposed works must be carried out in accordance with a detailed CMP.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
k) any reduction in the range of beneficial uses of the environment	The proposal will not reduce the range of beneficial uses of the environment, but rather will enhance the function and amenity of the established School.	Nil.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
l) any pollution of the environment	The proposal is not anticipated to result in any pollution of the environment, subject to the adoption of suitable construction methodologies and management measures.	Nil	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
m) any environmental problems associated with the disposal of waste	The proposal is not anticipated to result in any problems associated with the disposal of waste.	A detailed Construction Waste Management Plan will be developed in conjunction with the detailed CMP, prior to commencement of works.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply.	The proposed development will not exert increased demand on resources that are, or are likely to become, in short supply.	Nil.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High
o) any cumulative environmental effect with other existing or likely future activities	The proposal will not result in any cumulative environmental impacts with existing or future activities.	Nil.	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High





<b>Table 9. Clause 228 Factors</b>			
<b>Factor</b>	<b>Potential impact</b>	<b>Mitigation measures</b>	<b>Impact</b>
<i>(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions.</i>	<i>The proposal will not impact on any coastal processes or coastal hazards. It is noted that the site is not identified in the NSW Government Coastal Management map.</i>	<i>Nil.</i>	X Low <input type="checkbox"/> Medium <input type="checkbox"/> High

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## PART F CONSULTATION

In accordance with the requirements of the Education SEPP and the NSW Code of Practice Part 5 Activities for Registered Non-Government Schools, consultation was initiated with Lane Cove Council and neighbours regarding the proposal.

Specifically, the following consultation activities have been initiated:

Preparing written consultation letters including:

- Description of the proposed activity including its location;
- Description of the environmental impacts that the proposed activity may have;
- Inviting submissions to the School on the proposed activity within no less than 21 business days of the date of the correspondence; and
- Providing contact details of the Schools nominated representative to receive submissions in writing.

Sending written letters to:

- Lane Cove Council; and
- All relevant neighbours

Consideration of all written submissions received during the 21 business days stipulated in the correspondence, including an assessment of the issues raised and how they have been addressed in the assessment of the proposed activity.

In accordance with the requirements of the ESEPP and the NSW Code of Practice for Part 5 Activities for Registered Non-Government Schools, Riverview College will keep a written record of all consultation undertaken in the preparation of this REF:

- For five years after the consultation took place;
- In a way that the records can be produced for a third party within 21 business days; and
- To a standard where a reasonable person could understand the essential nature of the consultation without extrinsic material.

Additional consultation requirements are provided in Part 2, Division 1 of the ESEPP, including for consultation with Council and/or other public authorities. The only clause 'triggered' by the proposal would be Clause 11, which requires consultation with Council where a proposal may affect local heritage. In accordance with the requirements of Clause 11, written notice of the intent to carry out the activity was given to Council on 9<sup>th</sup> November 2021, and any response received within 21 days would have been taken into consideration. It is noted that no submissions were however received.





## PART G MANAGEMENT AND MITIGATION MEASURES

The measures required to mitigate the impacts associated with the proposed works are detailed below. These measures have been derived from the environmental assessments in **Parts D** and **E** and those detailed in appended consultants' reports.

### STANDARD REQUIREMENTS

The following identified requirements have been imposed to ensure that the development activity is carried out in accordance with the plans / documents and any amendments approved under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

1. Details of the Activity

The activity must be carried out substantially in accordance with the following plans / documents as modified below and by any of the undermentioned identified requirements:

Document register			
Number	Rev	Name of Plan	Date
Architectural Drawings prepared RFA Architects			
0000	A	Cover Page and Drawing List	23/8/21
0001	A	General Notes	23/8/21
1101	A	Exiting/Demolition Plan	23/8/21
1210	A	Exiting/Demolition Plan RCP	23/8/21
2102	A	General Arrangement Plan	23/8/21
2103	A	Proposed External Works Plan	23/8/21
2110	A	Proposed Reflected Ceiling Plan	23/8/21
2210	A	Partition Setout Plan	23/8/21
2310	A	Proposed Finishes Plan	23/8/21
3100	A	Proposed External Elevation	23/8/21
4010	A	Internal Elevations - Parents and Visitors Bathroom	23/8/21
4020	A	Internal Elevations - DDA WC & Ambulant WC	23/8/21
4030	A	Internal Elevations - Student Change Room	23/8/21
4040	A	Internal Elevations - Student Bathroom	23/8/21
6010	A	Details - Bathroom Wall Sections -1	23/8/21
6020	A	Details - Bathroom Wall Sections - 2	23/8/21
7100	A	Door and Window Schedule	23/8/21





Document register			
Number	Rev	Name of Plan	Date
7200	A	Wall Type Schedule	23/8/21
Document Title		Author	Date
Review of Environmental Factors (REF)		Willowtree Planning	1 December 2021
Heritage Impact Statement		NBRS	22 October 2021
BCA Report		Group DLA	8 December 2021
Architectural Design Statement		RFA Architects	7 December 2021
Fire Design Statement		O&S Consulting	22 October 2021
Electrical Design Statement		O&S Consulting	22 October 2021
Hydraulic Design Statement		O&S Consulting	22 October 2021
Mechanical Design Statement		O&S Consulting	22 October 2021

2. Compliance with the Building Code of Australia (BCA) and Australian Standard

All building work is to be undertaken in accordance with the BCA and referenced Australian Standards.

3. Access for People with Disabilities

The works must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to completion of works, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

**PRIOR TO COMMENCEMENT OF ANY WORK ON SITE**

4. A Construction Management Plan (CMP) is to provided prior to commencement of works. The CMP should outline suitable construction site hoardings, signage, hours of work, noise and vibration minimisation measures, site facilities and traffic control to ensure construction operations are managed to minimise impacts on surrounding properties. The CMP will ensure the works are carried out in line with the Environmental Site Management Specification 2007 and meet council requirements.

5. Site Fencing

(a) Protective fencing is to be installed around the works area to prevent public/staff/student access to the site(s).

(b) All previously connected services that are required to be disconnected are to be appropriately disconnected and made safe prior to commencement of the demolition / construction works. The various service authorities shall be consulted regarding their requirements for the disconnection of services





6. Community Notification

- (a) Prior to commencement of work, Lane Cove Council and occupiers of any affected land adjacent to the project site must be notified, providing a project description and the expected dates for commencement and completion of construction works and details of the construction program. A copy of this REF is to be provided to Lane Cove Council.
- (b) Complaints received shall be recorded and attended to promptly. On receiving a complaint, works shall be reviewed to determine whether issues relating to the complaint can be avoided or minimised. Feedback shall be provided to the complainant explaining what remedial actions were taken.
- (c) A complaints management system would be developed by the principal contractor (once appointed) and details recorded of all complaints received and the means of resolution of those complaints. The Complaints register shall be made available to Council or St Ignatius College Riverview on request.
- (d) A site notice board must be located at the main entrance to the site in a prominent position and must include the following:
  - (i). 24 hour contact person for the site;
  - (ii). Telephone numbers and email address; and
  - (iii). Site activities and time frames.
- (e) The site notice must be erected no less than 2 days prior to the commencement of works.
- (f) The principal contractor must provide St Ignatius College Riverview with the demolition and construction programme before work commences.
- (g) If asbestos removal is to be carried, notification to residents, the school and SafeWork NSW is to be provided (if required under the relevant Code of Practice)

7. Utilities and Services

Prior to commencement of any demolition or construction activities, any services near the building site which may be impacted by the works are to be accurately located

8. Stormwater

The proposed works must not alter existing drainage lines within the School site.

9. Aboriginal Cultural Heritage

To minimise potential impacts on Aboriginal cultural heritage, works are to proceed with caution and the recommendations outlined below, are to be implemented:

- (a) In the event that unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during construction, all works in the vicinity should cease and the proponent should determine the subsequent course of action in consultation with a heritage professional and/or the relevant State government agency as appropriate.





- (b) If human skeletal material less than 100 years old is discovered, the *Coroners Act 2009* requires that all works should cease, and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the *National Parks and Wildlife Act 1974* (NPW Act 1974) and should not be disturbed. Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect the find and recommend an appropriate course of action. Should the skeletal material prove to be archaeological Aboriginal remains, notification of Heritage NSW and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

## DURING DEMOLITION AND CONSTRUCTION

### 10. Waste Management

- (a) The Contractors shall remove from site rubbish resulting from the works. Rubbish shall be handled in a manner so as to confine the material completely and to minimise dust emissions and disposed of in accordance with Contractor's Construction Management Plan (CMP)
- (b) Any asbestos removal is to be undertaken by a Licensed Asbestos Removal Contractor (LARC) (once appointed). All works are to be conducted in accordance with legislative requirements and following the requirements of the document 'How to Safely Remove Asbestos: Code of Practice (SafeWork NSW, 2019).
- (c) All waste generated by the project, is to be beneficially reused or recycled. If necessary, waste not able to be reused or recycled must be directed to a waste facility lawfully permitted to accept the materials in accordance with the "Waste Classification Guidelines" (DECCW, 2008) and the Protection of the Environment Operations Act 1997.
- (d) Where available, recyclable site and construction waste is to be recycled in accordance with the NSW Government's "Waste Reduction and Purchasing Policy (WRAPP guidelines)". Waste oil is to be sent to approved recyclers.
- (e) No burning or burying of wastes is to be permitted on site.
- (f) If required, the workforce shall use temporary portable toilet facilities located on-site. (vii) Non-recyclable waste and containers are to be regularly collected and disposed of at a licensed landfill or other licensed disposal sites in the area.
- (g) Any bulk garbage bins delivered by authorised waste contractors are to be placed and kept wholly within the property boundary.
- (h) Waste management practices for the proposal are to follow the waste management plan and the resource management hierarchy principles embodied in the Waste Avoidance and Resource Recovery Act 2001. These practices include: avoid unnecessary resource consumption; recover resources (including reuse, reprocessing, recycling and energy recovery); and dispose (as a last resort).

### 11. Demolition and Construction





- (a) Demolition work must comply with the demolition work plans required by Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001) and endorsed by a suitably qualified person.
- (b) A copy of the approved and certified plans, specifications and documentation shall be kept on site at all times and shall be available for perusal by any officer of Council or St Ignatius College Riverview.
- (c) All works must comply with the Building Code of Australia.
- (d) All works must be undertaken in accordance with the approved and certified plans, specifications and documentation as per the Crown Certificate and the requirements of this REF. Colours and materials specified (as approved and certified) for the project must not change without prior consultation with the project's Heritage Consultant.
- (e) All demolition works to be carried out in accordance with the applicable provisions of AS2601-2001: The demolition of structures.
- (f) After demolition, the site is to be left free of debris that may harbour vermin.
- (g) If applicable, within 14 days of completion of demolition works, the contractor is to submit to St Ignatius College Riverview an asbestos certificate prepared by a NATA accredited occupational hygienist.

12. Demolition/Construction Hours

Demolition and Construction, may only be carried out between the following hours:

- (a) 7am and 5pm, Mondays to Saturdays inclusive.
- (b) No work may be carried out on Sundays or public holidays.
- (c) Deliveries may occur outside the hours of demolition and construction referred to Condition 15(a) above, but not before 6.30am or after 6.30pm.

13. Construction Noise Limits

- (a) The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009).
- (b) For projects with a construction period longer than three weeks, demolition and construction noise will be limited to the "Interim Construction Noise Guideline" (DECCW, 2009), which provides for a construction noise level of background plus 10 dB(A) and LAeq 75 dB(A) during recommended standard hours (Monday to Friday 7 am to 6 pm and Saturdays 8 am to 1 pm with no work on Sundays or public holidays) and a construction noise level of background plus 5 dB(A) outside standard hours. Community notification is to be undertaken where appropriate and where work is likely to cause vibration or offensive noise and impact the public and nearby residents.
- (c) All reasonable practical steps shall be undertaken to reduce noise and vibration from the site.
- (d) Construction noise is to be attenuated with the use of screening, acoustic enclosures, engine silencing and substitution by alternative processes to reduce noise emission levels from typical







construction equipment. In addition to these physical noise controls, the following general noise management measures are to be followed:

- i. Plant and equipment is to be properly maintained.
  - ii. Equipment is to be checked and calibrated to the appropriate design requirements and to ensure that maximum sound power levels are not exceeded.
  - iii. Unnecessary noise is to be avoided when carrying out manual operations and operating plant.
  - iv. Any equipment not in use for extended periods during construction work must be switched off.
- (e) People living and working in the vicinity of the construction site are to be consulted at the beginning of the project and regular updates are to be provided throughout the project. Any complaints are to be registered, and then addressed seriously and expeditiously.
- (f) If any short-term night-time work is required, nearby residents are to be informed at least three days prior to the works taking place.
- (g) As part of site management for noise emissions, the principal contractor must undertake a daily log of construction activities. The log is to be kept onsite by the site manager

14. Unexpected Finds Protocol – Aboriginal Heritage

In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by the NSW Environment, Energy and Science (EES) Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

15. Unexpected Finds Protocol – Historic Heritage

If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the NSW Heritage Division.

16. Unexpected Finds Protocol – Contaminated Material

If unexpected contaminated material is encountered during the works, all work shall cease, the site will be secured and a safe work method statement(s) and appropriate documented practices would be implemented to ensure the site is suitable for its use in accordance with the approved Construction Environmental Management Plan (Condition 6).

17. Plant and Equipment





- (a) In accordance with SafeWork NSW, all plant and equipment used in construction work must comply with the relevant Australian Standards and manufacturer specifications.
- (b) No vehicle maintenance is to be undertaken in the demolition and construction areas except in emergencies
- (c) All plant/equipment is to be inspected regularly to avoid leakage of fuel, oil or hydraulic fluid to the work sites. Machinery found to be leaking must be repaired or replaced immediately
- (d) All machinery is to be secured against vandalism outside working hours
- (e) No batching plant is permitted on site

18. Access to the Site by Students and Members of the Public

Students/staff or any unauthorised person are not permitted within the construction site(s).

**COMPLETION OF WORKS**

19. Completion of Works

At the completion of the project, documentation and certification must be submitted to St Ignatius College Riverview which demonstrates that the work as undertaken complies with the terms of this REF. If prepared, works-as-executed drawings are also to be forwarded to St Ignatius College Riverview for information purposes at the completion of the project

20. Fire Safety Certification

At the completion of the project, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority. The Fire Safety Certificate must be prominently displayed in the building.

21. Hydraulic Inspection Certificate

At the completion of the project, a Hydraulic Inspection Certificate or a Compliance Certificate must be submitted to St Ignatius College Riverview. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must also be provided.

22. Accessibility Statement

The works must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to completion of works, the Certifying Authority must ensure that





evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

## **PART H RECOMMENDATION AND CONCLUSION**

This REF has been prepared to document the environmental assessment for the proposed internal fit out and refurbishment to create new facilities on land within the existing campus boundaries of St Ignatius College Riverview.

In accordance with Part 5 of the EP&A Act, this REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity, including with regard to the factors identified pursuant to Clause 228 of the EP&A Regulation.

The assessments undertaken demonstrate that all potential environmental impacts may be suitably managed through the mitigation measures documented herein.

Further justification for the proposal is summarized as follows:

- The proposal would respond to an existing need within the community;
- The proposal would be generally consistent with all relevant legislation, plans and policies;
- The proposal would cause minimal environmental impacts; and
- Adequate mitigation measures have been proposed to address any potential impacts.

It is concluded that the proposed activity is unlikely to significantly affect the environment. As such, an EIS would not be required.

On this basis, it is recommended that the College approve the proposed activity in accordance with Part 5 of the EP&A Act and subject to adoption and implementation of the mitigation measures outlined in **Part G**.

