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Review of Environmental Factors

Installation of a Two Storey Portable Classroom

Ryde Secondary College

5 Malvina Street, Ryde



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1 Introduction

1.1 Forward

This Review of Environmental Factors (REF) has been prepared for School Infrastructure NSW (SINSW) and assesses the potential environmental impacts which could arise from the proposed demolition works and construction of a two-storey portable classroom building at Ryde Secondary College (RSC).

This REF has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (the Regulation), *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP TI) and the *Rural Fires Act 1997* (RF Act).

Based on assessment 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 significant environmental impacts associated with the proposal.

1.2 Certification

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.

Name of the person(s) who prepared the REF: Thomas West and Henry Burnett

Position and Qualifications of the person(s) who prepared the REF: TW - Project Planner
M Planning, MU
HB- Principal Planner
B Planning, MU

Signature:  Date: 17 October 2022

Name of the person(s) who reviewed the REF: Ellen Robertshaw

Position and Qualifications of the person(s) who prepared the REF: Consultant Planner
B App Sci (Env Planning),
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REAP

Signature:  Date: 17 October 2022

I have examined this REF and the Certification and accept the REF on behalf of the Department of Education.

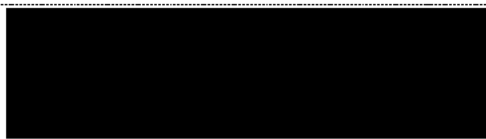
Name of the Reviewing Officer: SINSW Statutory Planning



1 Introduction

I accept this REF on behalf of the Department of Education, as the determining authority and determine that the Proposal can proceed subject to the mitigation measures in Section 6 being implemented before the carrying out of works and occupation of the facility(ies).

Name of Department Delegated Officer: CEO SINSW



1.3 School Information

School Name:	Ryde Secondary College (RSC)
School Address:	5 Malvina Street, Ryde
Local Government Area:	City of Ryde Council
Lot and DP of Proposed Works:	Lots 284 & 285 DP 752035
Land Owner:	Minister for Education

1.4 Brief Scope of Works

What are the proposed works?	Installation of a two-storey portable classroom
Does the project involve works outside the existing educational establishment?	No
Will the project result in an increase in the educational establishment population (staff or student population) by more than 10% (compared with the average of each of those numbers for the preceding 12-month period)?	No

1.5 Supporting Architectural Plans

The architectural plans prepared by Bennett and Trimble (**Appendix Error! Reference source not found.**) referred to in preparing this REF include:

Drawing Title	Drawing No.	Rev.	Date
Cover	REF-A01	01	07/09/2022
Context	REF-A02	01	07/09/2022
Site Analysis	REF-A03	01	07/09/2022
Existing Site Plan	REF-A04	01	07/09/2022
Proposed Site Plan	REF-A05	02	07/10/2022

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GA – Landscape Plan	REF-A06	02	07/10/2022
GA – Ground Level	REF-A07	02	07/10/2022
GA – Level 1	REF-A08	02	07/10/2022
GA – Roof	REF-A09	02	07/10/2022
Elevations 1	REF-A10	03	07/10/2022
Elevations 2	REF-A11	03	07/10/2022
Long Section	REF-A12	02	07/10/2022
Short Sections	REF-A13	02	07/10/2022
External Views 1	REF-A14	02	07/10/2022
External Materials	REF-A15	02	09/09/2022
Shadow Diagrams – June 21	REF-A16	-	07/09/2022

1.6 Site Context and Surrounds

1.6.1 The Site

The 3.212-hectare site is formally identified as Lot 284 & Lot 285 DP 752035. The site is also known as 5 Malvina Street, Ryde. The site is located within the City of Ryde Council Local Government Area (LGA) and is approximately 250m to the west of Pidding Park and the Field of Mars Cemetery. Top Ryde Shopping Centre is located approximately 1km to the west of the site.

As shown in **Figure 1** below, the site comprises a range of buildings that are used to facilitate the operations of RSC. The buildings located on site have been constructed at varying times since the introduction of the school in 1965 (originally known as Malvina High School).

Playground space is distributed throughout the site, including a sports court located towards the north of the site. General Learning Areas (GLAs) are located within a central portion of the site, so as to provide ease of access for students and staff to move between buildings.

The primary vehicular access point for the site is from a driveway towards the west of the site (via Malvina Street). Alternative access to the site is available via Forrest Road to the east. Angled (90 degree) parking spaces are located adjacent to the eastern boundary of the site, along Forrest Road.

The site comprises three (3) street frontages, including Malvina Street to the west, Forrest Road to the east and Robinson Street to the south.

1 Introduction



Figure 1 Site Aerial. Source: Nearmap. 2022

Vegetation is scattered throughout the central portions of the site. Dense vegetation is located to the rear (southern) portion of the site in the vicinity of Buffalo Creek which traverses the southern edge of the site.

The site slopes from north to south, with a fall of approximately 20m that is principally located towards the rear of the site associated with the Buffalo Creek corridor.

The site is partially bushfire prone land and flood affected towards the south of the site associated with the Buffalo Creek corridor (**Figure 2**).

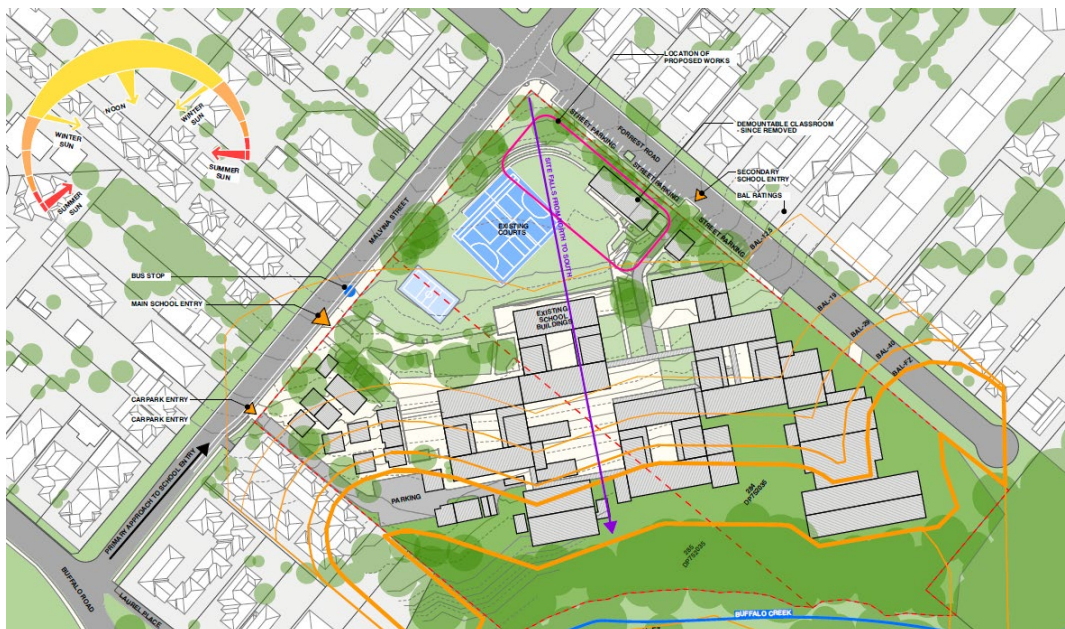


Figure 2 Excerpt of Site Analysis. Source: Bennet and Trimble 2022

The Certificate of Title for the site includes four notifications as detailed in the Survey Plan prepared by CMS Surveys (**Appendix 2**). Those easements relate to:

- Land excludes minerals;
- AA476604 – easement for electricity substation affecting part of Lot 284 in DP752035 designated (S) in DP1060527;

1 Introduction

- AA476604 – easement for electricity purposes affecting part of Lot 284 in DP752035 designated (E) in DP1060527; and
- Right of way affecting the part of Lot 284 DP752035 designated (R) in DP1060527.

1.6.2 Surrounding Development

The surrounding development is characterised as predominantly low and medium density residential development including:

- **North West:** The north western boundary fronts Malvina Street, with low density residential development along the opposite road frontage;
- **North East:** The north eastern boundary fronts Forrest Road, with low and medium density residential development along the opposite road frontage;
- **South West:** The south western boundary backs onto low density residential development; and
- **South East:** Buffalo Creek runs along the southern boundary with Barton Reserve along the south eastern boundary.

2 Description of Proposed Works

2.1 Justification of the Proposal

The proposed demolition works and installation of a two-storey portable classroom are works permitted without consent under Section 3.37 of SEPP TI. The new building will enhance the operations of the school by provided for additional teaching and learning spaces in preparation for future developments that are to be carried out under separate planning pathway(s).

2.2 Definition of Proposed Works

For the purposes of the SEPP TI, the proposed works are defined as “development without consent”. For the purposes of Part 5 of the EP&A Act, the proposal is defined as “works” or an “activity”. Any reference to ‘development’, ‘works’ or an ‘activity’ is considered to have the same meaning for the purposes of this assessment, as described below.

2.3 Summary of Works

Plans for the proposed works have been prepared by Bennett and Trimble and are provided at **Appendix 1** to this REF. The proposed works can be summarised as follows:

Demolition:

The proposed demolition works involve the removal of an existing single storey demountable building that comprises three (3) classrooms.

Other demolition works include the removal of footpaths and retaining walls towards the northern corner of the site, which act in part as outdoor seating for students.

Figure 3 is an extract of the proposed demolition plan.

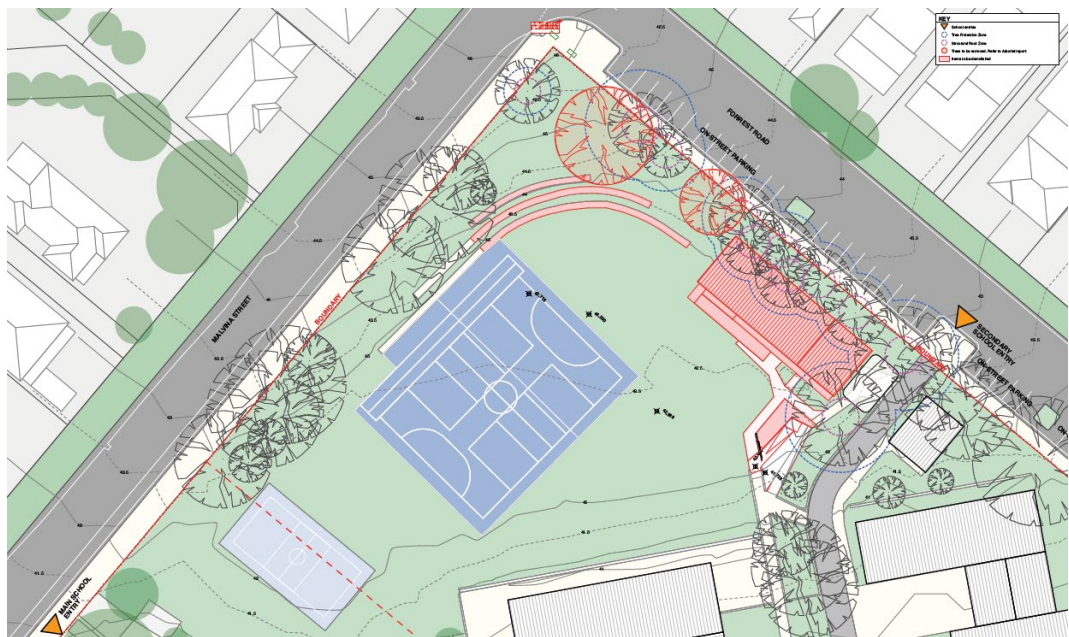


Figure 3 Demolition Plan. Source: Bennett and Trimble. 2022

Installation

The proposed works includes the installation of a two-storey portable classroom building, comprising the following:

- Thirteen (13) GLS (classrooms);
- Learning commons;
- Fitness lab;
- Seminar spaces;
- Staff room;
- Store;

2 Description of Proposed Works

- Change rooms; and
- Amenities

The proposal also involves the construction of a lift, as well as ramp and stair access to the new classroom building. Minor alterations are proposed to the existing sports court located to the south of the proposed building.

New enclosed mechanical plant and walkway are proposed to the east of the building.

An extract of the proposed ground and first floor levels is provided in **Figure 4** and **Figure 5**.

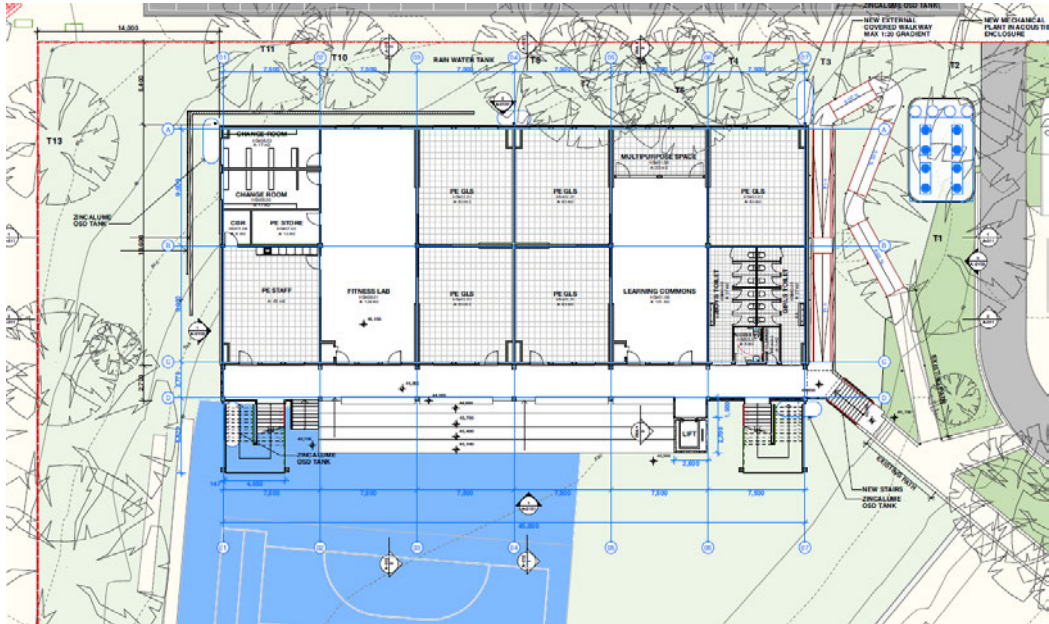


Figure 4 Proposed ground floor layout. Source: Bennett and Trimble. 2022

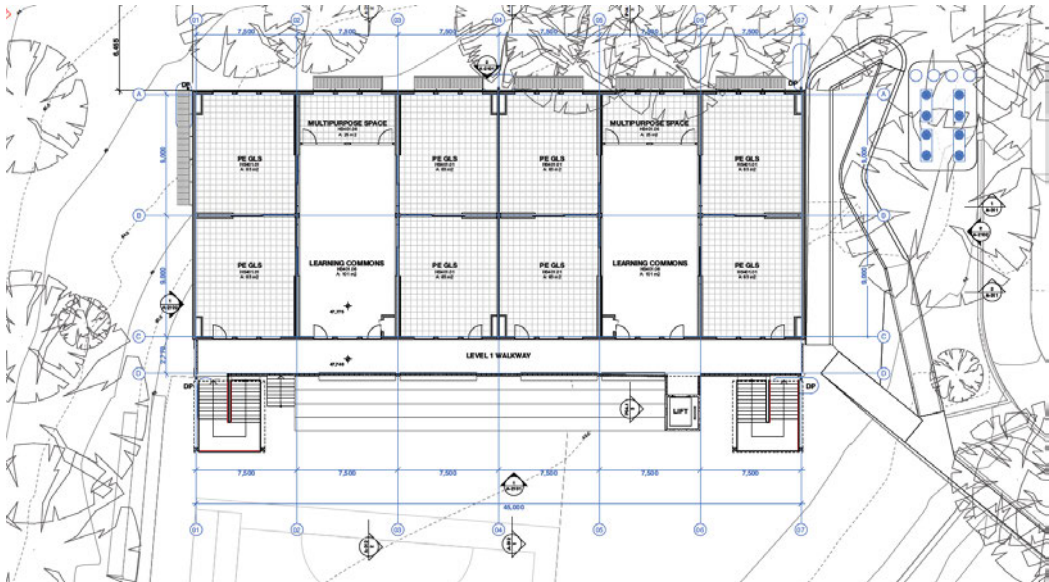


Figure 5 Proposed first floor layout. Source: Bennett and Trimble. 2022

2.4 Tree Protection

The Arborist Report (**Appendix 17**) recommends two (2) trees to be removed (as identified on the Architectural Drawings) and eleven trees to be protected and retained.

It is noted that the two (2) trees identified in the Arborist Report as requiring removal have already been removed, as no Tree Permit is required for this school site (confirmed by Council).

2 Description of Proposed Works

Prior to works commencing appropriate tree protection measures in accordance with the requirements of *AS 4970 (2009) Protection of trees on development site* to protect the trees that have the potential to be impacted by the proposed construction works will be required to be established.

2.5 Asset Protection Zone

A Bushfire Assessment Report has been prepared by Australian Bushfire Consulting Services (**Appendix 9**). As part of the recommendations contained within that report, all grounds within the school site and north of the existing cyclone wire fence are to be maintained as an Asset Protection Zone (APZ), in accordance with Appendix 4 of *Planning for Bushfire Protection 2019* (PBP 2019) and the NSW RFS document Standards for Asset Protection Zones.

The area the subject of the APZ is the area shaded in green in **Figure 6**.



Figure 6 Area to be maintained as an APZ. Source: Australian Bushfire Consulting Services. 2022

2.6 Stormwater Management

Stormwater will be managed in accordance with the Civil Engineering Design Report prepared by Henry and Hymas (**Appendix 10**). As provided in the report, rainwater tanks will be utilised for the purpose of Onsite Stormwater Detention (OSD).

As part of the proposed development, four (4) x 7.5kL rainwater tanks are proposed. These tanks will provide the required 30m³ OSD storage, which was calculated based on DRAINS modelling.

The stormwater will be discharged towards an existing kerb inlet pit that is located on Forrest Road.

2.7 BCA Compliance

A BCA Capability Statement has been prepared by Group DLA (**Appendix 8**) to determine if the proposed development is capable of achieving compliance with the relevant provisions of the National Construction Code 2019 (NCC 2019) and the Building Code of Australia (BCA).

As provided in the BCA Capability Statement, the following conclusion has been made regarding the proposed development:

2 Description of Proposed Works

Compliance with the BCA for the proposed development is capable of being achieved by a combination of compliance with the deemed-to-satisfy (DTS) provisions and the provision/documentation of Performance Solutions in accordance with Clause A5.2 of the BCA by a suitably qualified architects and consultant/s to achieve compliance with the BCA, the provision of these and assessment of the detailed design and any documentation will occur at the Crown Certificate (CC) stage.

Based on the advice from Group DLA, the proposed development is capable of meeting the relevant provisions of the BCA.

2.8 Staff and Student Numbers

The current student enrolments for the school are 1,362. There are 87.3 full time equivalent (FTE) teaching staff members and 17.2 FTE non-teaching staff.

Having regard to the construction of a two-storey portable classroom comprising 13 GLAs, the potential increase in student capacity is 260, as each GLA is capable of accommodating 20 students (based on SINSW advice).

Refer to Section 3.3 of this REF for a discussion on commensurate removal of demountables to ensure the proposal does not result in a prohibited increase in staff or student numbers.

There are no changes to the existing operational details of the school (e.g. hours of operation).

3 Statutory Framework

This Section describes the statutory framework under which the proposal has been assessed.

3.1 General Planning Context

LEP Name:	Ryde Local Environmental Plan 2014.
LEP Zoning:	SP2 Infrastructure – Educational Establishment.
Prescribed Zoning of Land Subject to Works:	SP2 Infrastructure – Educational Establishment.
Is the existing zone a prescribed zone under the Education SEPP?	Yes – the area of the works is in the SP2 zone. Refer Section 3.34 of SEPP TI.
Permissibility:	Development for the purpose of educational establishments is permissible with consent within the SP2 zone under the LEP and under the SEPP TI.
Is the site “environmentally sensitive land” under any environmental planning instrument?	No.
Does the site comprise bushfire prone land?	Yes.
List any environmental constraints identified in the Section 10.7 Certificate:	Acid Sulfate Soils – Class 5 Flooding – Part of the site is within a flood planning area (FPA) and the probable maximum flood (PMF). Bush Fire – Part of the site is bush fire prone land (vegetation buffer and vegetation category 2).
Is the site listed as a Heritage Item or within a Heritage Conservation Area?	No.

3.2 Strategic Context

3.2.1 Development Control Plans

Ryde Development Control Plan 2014 (the DCP) provides a broad range of development and site-specific planning controls across the Ryde LGA. The works will generally comply with the relevant parts of the DCP.

It is noted that assessment against the DCP is not a mandatory consideration as SEPP TI is the relevant environmental planning instrument for the proposal and development without consent (under SEPP TI) is not subject to local planning controls.

3 Statutory Framework

3.3 State Environmental Planning Policies

3.3.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 3.3 Interpretation

Section 3.3 of SEPP TI sets out the following in relation to interpretation of the provisions of the SEPP.

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

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 3.2 Division 1 Consultation and Notification

Section 3.8 of SEPP TI sets out the consultation requirements in relation to development without consent where the works will impact on council-related infrastructure or services. Subject to compliance with the recommendations as detailed within the accompanying documentation, the proposed works will not result in any substantial impacts on:

- Stormwater services;
- The road system;
- The capacity of the sewerage system; or
- The surface of a footpath or road.

Section 3.9 of SEPP TI sets out the consultation requirements in relation to development without consent where the works will impact on local heritage. The subject site is not identified as comprising a heritage item and is not located within a heritage conservation area.

Section 3.10 of SEPP TI sets out notification requirements for development on flood liable land. The Section 10.7 planning certificates identifies the site as being within the flood planning area and subject to the probable maximum flood (PMF). Pursuant to Section 3.10(1), the development was notified to the State Emergency Services and the Ryde City Council on 12 September 2022. The SES comments have been considered as part of this REF and mitigation measures included where required.

Section 3.11 of SEPP TI requires consideration of the requirements of *Planning for Bush Fire Protection 2019* before carrying out of development in an area that is mapped as bush fire prone land. Pursuant to Section 3.11(2) and Section 3.37 of SEPP TI, the development was referred to the NSW Rural Fires Services on 12 September 2022 seeking a bush fire safety authority which was received on 14 October 2022 (Refer **Section 5.2.3**).

Section 3.12 sets out consultation with public authorities other than councils. There are no requirements to consult with any other public authorities.

Part 3.4 School – Specified Development Controls

Section 3.34 of SEPP TI provides the definition of a prescribed zone [**bold text is our emphasis**]:

prescribed zone means any of the following land use zones:

- (a) Zone RU2 Rural Landscape,
- (b) Zone RU4 Primary Production Small Lots,
- (c) Zone RU5 Village,

3 Statutory Framework

- (d) Zone RU6 Transition,
 - (e) Zone R1 General Residential,
 - (f) Zone R2 Low Density Residential,
 - (g) Zone R3 Medium Density Residential,
 - (h) Zone R4 High Density Residential,
 - (i) Zone R5 Large Lot Residential,
 - (j) Zone B1 Neighbourhood Centre,
 - (k) Zone B2 Local Centre,
 - (l) Zone B3 Commercial Core,
 - (m) Zone B4 Mixed Use,
 - (n) Zone B5 Business Development,
 - (o) Zone B6 Enterprise Corridor,
 - (p) Zone B7 Business Park,
 - (q) Zone B8 Metropolitan Centre,
 - (r) Zone SP1 Special Activities,
 - (s) Zone SP2 Infrastructure,**
 - (t) Zone E4 Environmental Living.
- [bold text is our emphasis]

RSC is defined as an educational establishment (school). The location of the works within the site is within a prescribed zone as it is zoned SP2 Infrastructure (Educational Establishment) under the Ryde Local Environmental Plan 2014 (the LEP).

Section 3.37 – Development Permitted Without Consent

Section 3.37 of SEPP TI sets out the following provisions for development which may be carried out without consent:

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

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

(i) a library or an administration building that is not more than 2 storeys high, or

(ii) a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high, or

(iii) a permanent classroom that is not more than 2 storeys high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or

(iv) a kiosk or shop selling school-related goods to students and staff, such as books, stationery or school uniforms, that is not more than 2 storeys high, or

(v) a cafeteria or canteen that is not more than 2 storeys high and carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises, published by Standards Australia on 11 February 2004, or

(vi) 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).

3 Statutory Framework

(2) Subsection (1) applies only if the development 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.

(3) Subsection (1)(a) applies only if the development does not result in a prohibited increase in student or staff numbers.

(4) Nothing in this section authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (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.

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

(6) This section does not apply to development for the purposes of campus student accommodation.

(7) In this section—

prohibited increase in student or staff numbers means—

(a) *an increase in the number of students that the school can accommodate that is more than the greater of 10% or 30 students, compared with the average number of students for the 12 months immediately before the commencement of the development, or*

(b) *an increase in the number of staff employed at the school that is more than 10%, compared with the average number of staff for the 12 months immediately before the commencement of the development.*

The following provisions of Section 3.37 are relevant in regard to the works being proposed:

Section 3.37(1)(a)(ii) and Section 3.37(1)(e)

(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—*

(ii) *a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high, or ...*

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

Comment: The proposed installation of a two-storey portable classroom building and associated demolition works is development that can be undertaken as development without consent, pursuant to Section 3.37(1)(a)(ii) and Section 3.37(1)(e) of SEPP TI.

Section 3.37(2) – Traffic Arrangements

Subsection 3.37(2) of the T&I SEPP states as follows:

(1) *Subsection (1) applies only if the development 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.*

Comment: No changes to existing traffic arrangements are proposed.

Section 3.37(3) & (7) – Prohibited increase in students

Subsection 3.37(3) of the T&I SEPP states as follows:

(3) *Subsection (1)(a) applies only if the development does not result in a prohibited increase in student or staff numbers.*

Comment: Under Section 3.37(7) of the T&I SEPP, prohibited increase in student or staff numbers is defined as follows:

prohibited increase in student or staff numbers means—

3 Statutory Framework

- (a) *an increase in the number of students that the school can accommodate that is more than the greater of 10% or 30 students, compared with the average number of students for the 12 months immediately before the commencement of the development, or*
- (b) *an increase in the number of staff employed at the school that is more than 10%, compared with the average number of staff for the 12 months immediately before the commencement of the development.*

The proposed development will generate 13 new classrooms, each with a maximum capacity of 20 students. The existing student enrolments for the site is 1,362 students, with the maximum allowable increase in student capacity being 136 students (a 10% increase on the existing student enrolments).

As part of the Mitigation Measures (**Appendix 18**), there is a requirement for the increase in student capacity to not exceed 136 students as part of this development. The school will need to consider the removal of additional existing demountable buildings to ensure that the net increase in student capacity does not exceed 1,362 + 136 students, i.e. – 1,498 students. The removal of a minimum of 6-7 demountable buildings would be required (or the equivalent to a 124 student capacity).

The number of full-time equivalent staff employed at RSC is 104.5 staff. The maximum allowable increase in staff employed at the school is 10 staff. An increase in 136 students would not result in an increase in more than 10 staff.

Section 3.37(4) - Development Consent

Section 3.37(4) of the T&I SEPP states as follows:

- (4) *Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (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.*

A review of Council's DA tracker identifies the following previous development consents issued for the site:

- **LDA 2001/176** - Alterations and Additions to Malvina High School. Approved by Council on 10 September 2001; and
- **LDA 2019/272** - Replacement of existing chain-wire fence by a new 6m high, 90m long chain-wire fence at 27m inside the southern boundary of the school property. Approved by Council on 13 December 2019; and

Comment: Following a review of these development consents, the proposed works will not contravene any existing conditions of development consent currently operating with respect to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.

Section 3.38 – Notification of carrying out of certain Development Without Consent

Comment: Section 3.38 of the T&I SEPP sets out consultation requirements for development without consent, including consultation with the Council for the area in which the land is located (being Ryde City Council). These provisions are discussed in detail at Section 3.9 of this report.

Section 3.39 – Existing schools – Exempt Development

Section 3.39 of the T&I SEPP sets out the following development which is considered to be exempt development:

- (1) *Development for any of the following purposes is exempt development if it is on land within the boundaries of an existing school and complies with any requirements of this subclause that apply to the development:*
 - (a) *an awning or canopy attached to a building, that is more than 1 metre from any property boundary,*

3 Statutory Framework

- (b) *the removal or pruning of a tree that has been assessed by a Level 5 qualified arborist as posing a risk to human health or safety or of damage to infrastructure, but only if a replacement tree that is capable of achieving a mature height of 3 metres or more is planted within the grounds of the school,*
- (c) *landscaping, including irrigation schemes (whether using recycled or other water),*
- (d) *play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is more than 1.2 metres from any fence,*
- (e) *routine maintenance (including earthworks associated with playing field regrading or landscaping),*
- (f) *walking paths (including raised walking paths), boardwalks, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,*
- (g) *a sporting field, tennis court, basketball court or any other type of court used for sport, and associated awnings or canopies,*
- (h) *the use of existing facilities or buildings for the purposes of school-based child care between the hours of 7:00am and 7:00pm on a weekday only, whether or not it is a commercial use of the establishment,*
- (i) *the use of existing facilities or buildings for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment,*
- (j) *an amenities building, workshop or storage shed:*
 - (i) *that is not more than 1 storey high, and*
 - (ii) *that is 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,*
- (k) *environmental management works,*
- (l) *a short-term portable classroom (including its removal):*
 - (i) *that is not more than 1 storey high, and*
 - (ii) *that is 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, and*
 - (iii) *that is removed within 48 months of being installed,*
- (m) *demolition of development that would be exempt development under this or any other environmental planning instrument if it were being constructed or installed, if it is not carried out on or in a State or local heritage item or in a heritage conservation area.*

Note. Exempt development must also comply with the general requirements in clause 17.

- (2) Section 3.16(3)(g), to the extent that it relates to a permit or approval required under an environmental planning instrument, does not apply in relation to development carried out under subclause (1)(b).
- (3) Development for a purpose specified in Schedule 5 that is carried out by a person other than a public authority is exempt development if:
 - (a) it is carried out on land within the boundaries of an existing school, and
 - (b) it meets the development standards for the development specified in Schedule 5.

Note 1. Exempt development must also comply with the general requirements in section 3.16.

Note 2. Section 3.17 covers development carried out by or on behalf of a public authority

- (4) This clause applies to development for the purposes of existing campus student accommodation on land within the boundaries of the existing school with which the accommodation is associated only.

Comment: The proposed works identified in Section 2 of this report are not able to be carried out as exempt development.

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Section 3.40 – Existing schools – Complying Development

Section 3.40 of the T&I SEPP sets out the following provisions relating to complying development:

- (1) *Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:*
 - (a) *it consists of the construction of, or alterations or additions to, any of the following:*
 - (i) *a library, an administration building or office premises for the purposes of the school,*
 - (ii) *a gym, indoor sporting facility or hall,*
 - (iii) *a teaching facility (including a classroom or lecture theatre), laboratory, trade facility or training facility,*
 - (iv) *a cafeteria or canteen that is carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises, published by Standards Australia on 11 February 2004,*
 - (v) *a kiosk or shop selling school related goods to students and staff, such as books, stationary or school uniforms,*
 - (vi) *a hall with associated covered outdoor learning area or kiosk,*
 - (vii) *an outdoor learning or play area and associated awning or canopy,*
 - (viii) *demolition of a building or structure (unless a State heritage item or local heritage item),*
 - (ix) *minor alterations or additions (such as internal fitouts, structural upgrades, or alterations or additions to enable plant or equipment to be installed, to address work health and safety requirements or to provide access for people with a disability),*
 - (x) *restoration, replacement or repair of a damaged building or structure, and*
 - (b) *it complies with this clause.*
- (2) *Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:*
 - (a) *it is an alteration or addition referred to in subsection (1) or section 3.41(2)(e) that is carried out for the purpose of a change of use to another use specified in subclause (1), and*
 - (b) *it complies with this section.*
- (3) *Development carried out by or on behalf of any person on land within the boundaries of an existing school for the purposes of campus student accommodation is complying development if the development:*
 - (a) *involves only:*
 - (i) *a minor alteration or addition to a building that does not result in an increase in the gross floor area or height of the building, or*

Example: Minor alternations and additions include internal fitouts, structural upgrades, or alterations or additions to enable plant or equipment to be installed, to address work health and safety requirements or to provide access for people with a disability.
 - (ii) *the restoration, replacement or repair of a damaged building that does not result in an increase in the gross floor area or height of the building, and*
 - (b) *complies with this clause.*
- (4) *Except as provided by subsection (3), development for the purposes of campus student accommodation is not complying development under this clause.*
- (5) *The development standards for complying development under this clause (other than for development referred to in subsection (1)(a)(viii), (ix) or (x)) are set out in Schedule 6.*

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- (6) *Development that will result in the erection of a building over a registered easement is not complying development under this clause.*
- (7) *Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (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.*

Note 1— Complying development must also comply with the general requirements in section 3.18.

Note 2— Development to which the Rural Fires Act 1997, section 100B(1) applies is not complying development under this Policy.

Comment: The development is not complying development. Therefore, no further assessment under Section 3.40 is required.

3.41 School-based child care—complying development

Comment: Sections 3.41 of SEPP TI relates to development for the purpose of school-based child care. The proposal is not for school-based child care and the provisions of this section are not applicable.

Section 3.42 – Complying Development Certificates – Additional Conditions

Comment: Section 3.42 of SEPP TI sets out conditions for complying development certificates issued under provisions of SEPP TI. This proposal does not constitute complying development and provisions of this section are not applicable.

Section 3.43 – State Significant Development for the purpose of schools – application of development standards in environmental planning instruments

Comment: Section 3.43 of SEPP TI relates to development being undertaken as State significant development and therefore, the provisions of this section are not applicable.

3.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Chapter 4 of the R&H SEPP provides for the remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

The site is not identified on the NSW Environmental Protection Authority's list of notified contaminated sites under Section 60 of the *Contaminated Land Management Act 1997*. The site has been used for educational purposes since 1962, has not been used for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines, and the proposed works do not comprise a change of use of the site or involve extensive excavation.

Pursuant to a Section 10.7 Certificates obtained on 8 March 2022, the site is not identified by Council or any other authority as being subject to or potentially subject to contamination.

Notwithstanding, a Preliminary Site Investigation (PSI) was undertaken by Douglas Partners. The PSI has concluded that the site can be made suitable for the proposed development, subject to the implementation of the following recommendations:

- *Formal waste classification of any soils prior to off-site disposal (e.g., once stockpiled) to confirm the previously provided preliminary in situ classification. Additionally, any assessment should consider higher sampling densities where asbestos containing materials are suspected to be present in any soils (e.g., within the footprint or near former demountable structures); and*
- *Development of an asbestos management plan / unexpected finds protocol for use during earthworks.*

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Therefore, pursuant to section 4.6 of the R&H SEPP, the site is considered to be suitable for the proposed development at RSC, subject to compliance with the aforementioned recommendations.

3.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10: Sydney Harbour Catchment

The site is located within the boundary of the Sydney Harbour Catchment under Chapter 10 of SEPP BC. The site is not located within the foreshores and waterways area, is not a heritage item and is not within a wetland protection area. Therefore, whilst Chapter 10 of the B&C SEPP applies to the site, there are no relevant provisions that require assessment as part of this REF, having regard to Section 10.2(2) of SEPP BC.

3.4 Ryde Local Environmental Plan 2014

Table 1 provides an assessment of the proposed development against the relevant provisions of the LEP.

Table 1: Assessment of proposal against relevant provisions of Ryde LEP 2014		
Provision	Assessment	Consistent
Clause 2.2: Zoning - SP2: Infrastructure	The site is zoned SP2 Infrastructure (Educational Establishment) under the LEP. Educational Establishments, including schools, are permissible within the SP2 zone under the LEP.	Yes
Clause 6.1: Acid Sulfate Soils - Class 5	A portion of the south east corner of the site is mapped as containing Class 5 Acid Sulfate Soil under the LEP. The proposed works are located outside of the mapped area. Furthermore, the works are unlikely to lower the watertable and are located further than 500m from any nearby Class 1,2,3 or 4 land. Therefore, it is unlikely that the proposed works will disturb, expose or drain any acid sulfate soils resulting in environmental damage.	Yes
Clause 6.4: Stormwater Management	A Civil Engineering Design Report has been prepared by Henry & Hymas, which addresses stormwater management and erosion and sediment control measures (Appendix 10). Sediment and erosion control measures will be established on site prior to the commencement of works.	Yes
Clause 5.11: Bush Fire Prone Land - Vegetation Buffer - Vegetation Category 2	A Bush Fire Safety Authority (BFSA) has been obtained from the RFS. Subject to compliance with the requirements of the BFSA, the proposed works are suitably designed having regard to the site's bush fire affectation.	Yes
Clause 5.21: Flood Planning	Flood advice has been obtained as part of the Civil Engineering Design Report prepared by Henry & Hymas (Appendix 10). The flood advice confirms that the location of the proposed works are outside of the area of flood affectation on the site.	Yes

3.5 Development Control Plans

The City of Ryde Development Control Plan 2014 (the DCP) provides a broad range of development and site-specific planning controls across the Ryde LGA. The works will generally comply with the relevant parts of the DCP.

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It is noted that assessment against the DCP is not a mandatory consideration as SEPP TI is the relevant environmental planning instrument for the proposal and development without consent (under SEPP TI) is not subject to local planning controls.

3.6 Environmental Planning and Assessment Act 1979

The provisions of SEPP TI allow the proposed works to be carried out as development without consent under Part 5 of the EP&A Act.

This REF also considers the requirements of Section 6.28 of the EP&A Act and Section 170 and Section 171 of the EP&A Regulation.

3.7 Additional Relevant Legislation

The following legislation is also applicable to the proposed development. The proposed works are not inconsistent with any of the provisions of these Acts (where applicable). Any approvals required under this legislation (if any) have been documented in **Section 3.8**.

3.7.1 NSW Legislation

- *National Parks and Wildlife Act 1974;*
- *Heritage Act 1977;*
- *Aboriginal Land Rights Act 1983;*
- *Local Government Act 1993;*
- *Roads Act 1993;*
- *Rural Fires Act 1997;*
- *Waste Avoidance and Resource Recovery Act 2001;*
- *Work Health and Safety Act 2011;*
- *Work Health Safety Regulations 2017;*
- *Biodiversity Conservation Act 2016;* and
- *Clause 61 of the EP & A Regulation, 2021, and AS 2061-1991 – Demolition of Structures.*

3.7.2 Commonwealth Legislation

- *Disability Discrimination Act 1992*
- *Native Title Act 1993*
- *Environment Protection and Biodiversity Conservation Act 1999;*

3.8 Approvals, Certificates and Authorities

3.8.1 Bush Fire Safety Authority - NSW Rural Fire Service

Rural Fires Act 1997

The site is identified as containing bush fire prone land (Vegetation Category 2 and Vegetation Buffer) on Council's bush fire prone land map (**Figure 6**)

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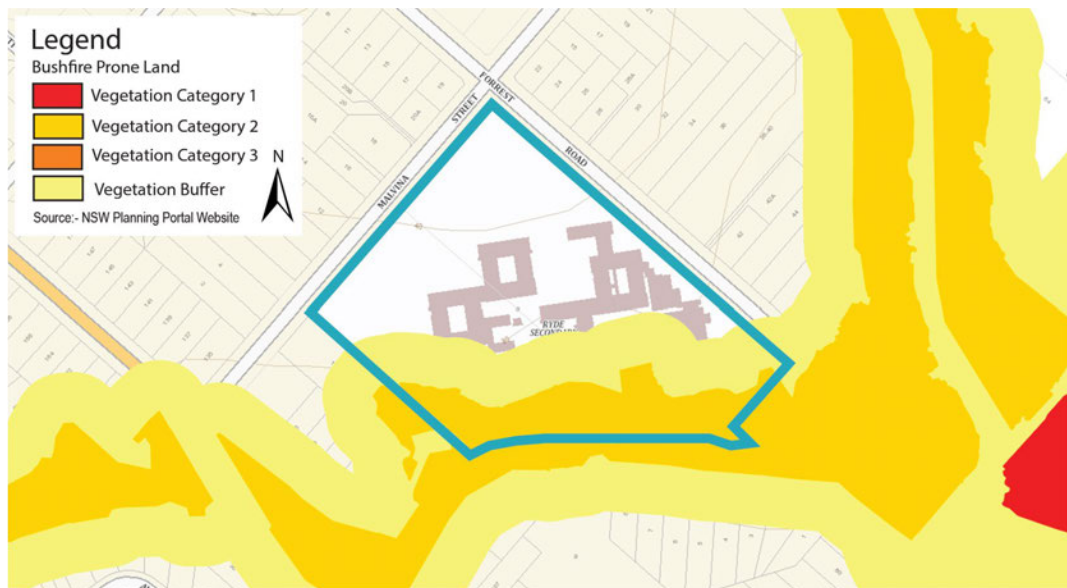


Figure 7 Bush fire prone land map. Source: NSW Planning Portal

Pursuant to Section 100B of the Rural Fires Act 1997, the proposed development was referred to the RFS on 12 September 2022.

The Bush Fire Safety Authority (BFSA) was received on 14 October 2022 (**Appendix 23** and as discussed in **Section 5.2.3** of this REF).

3.9 Consultation

3.9.1 Consultation – Council

Section 3.8 of SEPP TI, relating to ‘consultations with councils-development with impacts on council related infrastructure or service’, states the following:

(1) This section applies to development carried out by or on behalf of a public authority that this Chapter provides may be carried out without development consent if, in the opinion of the public authority, the development—

- (a) will have a substantial impact on stormwater management services provided by a council, or
- (b) is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area, or
- (c) involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a council, or
- (d) involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a council, or
- (e) involves the installation of a temporary structure on, or the enclosing of, a public place that is under a council’s management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential, or
- (f) involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a council is the roads authority under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).

(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies unless the authority or the person has—

- (a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and
- (b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.

3 Statutory Framework

Comment: Ryde City Council (Council) provided a response to the proposed development on 5 October 2022. The comments from Council have been addressed within this report and where required, mitigation measures have been provided in **Appendix 18**.

3.9.2 Consultation – Occupiers of Adjoining Land

Section 3.38 of SEPP TI relates to consultation and states the following:

3.38 Notification of carrying out of certain development without consent

(1) *This section applies to development to which section 3.37(1)(a) applies.*

(2) *Before development to which this section applies is carried out, the proponent of the development must—*

(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the proponent is that council) and to the occupiers of adjoining land, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comment: The proposed development was notified to adjoining land owners for a period of 21 days. Two (2) responses were submitted by adjoining land owners regarding the proposed works.

The issues raised as part of the responses from adjoining land owners are provided at **Appendix 22** and summarised and addressed as follows:

- **Construction Management:** Comment was received relating to construction, traffic and parking and the need to minimise impacts on elderly and disabled people in Forrest Road. It is confirmed that active traffic management will be implemented when required, working hours will be limited to normal construction hours (refer **Appendix 18** and mitigation measure 1.4.5)) and overall construction management will be required to comply with a Construction Management Plan (refer **Appendix 11**).
- **Open Space and Tree Retention:** Comment was received relating to minimising loss of open space and trees. The proposed portable classroom building is located in the place of a demountable building (although a larger footprint is acknowledged), maintains, and provides seating adjacent to, the adjoining sports court. It is noted that additional demountable buildings will be required to be removed (seven) which will provide additional open space. Tree retention is maximised to the Forrest Road front setback area and tree protection measures will be installed to ensure their retention.
- **Information on Further Stages of Development:** Information relating to the upgrades at Ryde Secondary College is, and will be made, available on the School Infrastructure NSW website, searching for 'Ryde Secondary College'.

3.9.3 Consultation – NSW State Emergency Service

Section 3.10 of SEPP TI relating to 'notification of councils and State Emergency Service—development on flood liable land' states the following:

(1) *A public authority, or a person acting on behalf of a public authority, must not carry out, on flood liable land, development that this Chapter provides may be carried out without development consent (other than demolition of buildings or structures, or internal works to existing buildings) unless the authority or person has—*

(a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located and the State Emergency Service, and

(b) taken into consideration any responses to the notice that are received from the council and State Emergency Service within 21 days after the notice is given.

(2) *In this section, flood liable land means land that is susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the manual titled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government and as in force from time to time.*

3 Statutory Framework

Comment: State Emergency Services was notified of the proposed development on 12 September 2022. An SES response was received on 27 September 2022 (**Appendix 19**) which has been considered as part of this REF and where required mitigation measures have been included.

3.9.4 Consultation – Transport for NSW

Section 3.12 of SEPP TI specifies the instances a proposed development under ‘Chapter 3 – Educational establishments and child care facilities’ requires notice to TfNSW. The proposed development meets the following criteria in this instance:

- (3) For the purposes of subsection (1), development for the purpose of an existing school is specified development, in relation to which Transport for NSW is the specified authority, if—*
 - (a) the site has access to a road and the development will result in the school being able to accommodate 50 or more additional students, or*

Written notice required under Section 3.12 of SEPP TI is as follows:

3.12 Consultation with public authorities other than councils

- (1) A public authority, or a person acting on behalf of a public authority, must not carry out specified development that this Chapter provides may be carried out without development consent unless the authority or person has—*
 - (a) given written notice of the intention to carry out the development (together with a scope of works) to the specified authority in relation to the development, and*
 - (b) taken into consideration any response to the notice that is received from that authority within 21 days after the notice is given.*

Comment: Transport for NSW was notified of the proposed development on 12 September 2022. A Transport for NSW response was received on 10 October 2022 raising no objection to the proposal (**Appendix 20**).

3.9.5 Publishing of REF

In accordance with Section 171(4) of the EP&A Regulations the REF will be required to be published on the determining authority’s website or the NSW planning portal as the activity has a capital investment value of more than \$5 million.

4 Environmental Risk Assessment

4.1 Assessment Method

The methodology applied to the environmental risk assessment for the proposed works is as follows:

- Initial risk assessment of environmental constraints based upon:
 - Review of relevant planning controls and legislation;
 - Review of consultant plans and reports; and
 - Examination of aerial photographs, site photos and site inspection.
- Identifying potential environmental risks/impacts associated with the demolition works;
- Evaluating identified risks/impacts to determine the potential for occurrence and degree of severity; and
- Identifying and determining suitable environmental management procedures and control measures appropriate for planned works.

Section 171 of the *Environmental Planning and Assessment Regulation 2021* sets out which factors must be taken into account when assessing the impact of an activity on the environment. The proposed works have been evaluated in the context of these provisions in **Section 5** of this REF, while applicable environmental management procedures and control measures are summarised in the mitigation measures (**Appendix 18**).

4.2 Site Constraints

Table 2 identifies constraints applicable to the site. Where an environmental issue is identified, impact assessment is provided in **Section 5** and mitigation is provided in **Appendix 18**.

4 Environmental Risk Assessment

Constraint	Factor	Yes	No	Action
Contamination	Is the site affected by contamination as identified in Section 10.7 Certificate or 'List of NSW contaminated sites notified to the EPA' and/or potentially affected by contamination?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not identified as being contaminated in the Section 10.7 planning certificate or listed on the NSW contaminated land sites notified by the EPA. A Preliminary Site Investigation (PSI) has been prepared by Douglas Partners which assesses contamination of the site and confirms the site is suitable for the proposed land use subject to the recommendations of the report.
	Does the project involve demolition of buildings or part of a building that may contain Asbestos?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As provided in the PSI, the asbestos register for the school notes demountable buildings placed on site in 2012, 2013, 2019 and 2020 and units within / near the proposed development area do not contain known asbestos. Notwithstanding, asbestos was noted as being potentially present in remnant mastic in window frames in the units. Having regard to the above, the PSI states <i>"it is considered possible that the demountable units removed from the proposed development area may have contained asbestos and therefore it is possible in ground asbestos may be present in unsampled locations (with a sporadic and unpredictable distribution) and accordingly caution must be exercised during any ground disturbance works"</i> . The PSI recommends that development of an asbestos management plan / unexpected finds protocol for use during earthworks must be undertaken. Formal waste classification of any soils prior to off-site disposal must also be undertaken, with higher sampling densities required where asbestos containing materials may be present within soils. Furthermore, all asbestos containing materials (if found) are to be removed in accordance with all relevant requirements of the NSW Environmental Protection Authority, NSW WorkSafe Codes of Practice and any relevant legislation.
	Does the project require the disturbance of any other hazardous material (e.g. lead paint, lead dust, PCBs, ozone depleting substances)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The PSI has not identified any potentially hazardous materials as likely to be disturbed as part of the development. Notwithstanding, if any contaminated materials or hazardous substances are disturbed or uncovered during the works, these will be managed in accordance with the relevant requirements of the NSW Environmental Protection Authority (EPA).
Flooding	Is the site affected by flooding? (i.e. is the land below the 1 in 100 year flood planning level)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site is affected by flooding. However, the location of the proposed works is above the flood levels. Henry & Hymas have confirmed that in the event of a large flood event, occupants such as teachers and students could remain onsite.

4 Environmental Risk Assessment

Table 1 Site Constraints					
Constraint	Factor	Yes	No	Action	
Coastal Hazards	Is the site identified within the coastal zone in the <i>Coastal Management Act 2016</i> OR has the site been identified by Council as affected, or potentially affected, by existing and future coastal hazards? This includes coastal storm erosion and recession of land due to sea level rise.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not identified as being within the coastal zone in the <i>Coastal Management Act 2016</i> and is not identified by Council as being affected, or partially affected by existing and future coastal hazards.	
Bushfire Hazard	Is the land nominated as Bushfire Prone Land on the Section 10.7 Certificate or is the site within 100m of unmanaged bushland?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site contains bush fire prone land. A Bush Fire Assessment has been prepared which assesses the proposed works against the relevant aims and objectives of <i>Planning for Bush Fire Protection 2019</i> . The development will be required to comply with the Bush Fire Safety Authority.	
Threatened Species	Does the Project involve the clearing of vegetation that would affect any threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, answer the following two questions:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project does not involve the removal of any trees.	
	Has the Section 10.7 Certificate and/or consultation with Council and/or review of the OEH critical habitat register identified a known critical habitat or threatened species, populations or endangered ecological communities and their habitat on or in close proximity to the site?	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
	Is the Project Site adjacent to an area of bushland (including a National Park, State Forest, Council Reserve or area of unmanaged bushland) OR a natural watercourse (including a creek, river, estuary, lake or wetland)?	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
Native Vegetation	Does the project involve the clearing of native vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project does not involve the removal of any native vegetation.	
Aboriginal Cultural Significance	Has the Section 10.7 certificate and/or consultation undertaken with Council identified that the site has, or is likely to have, significance to Aboriginal people, AND / OR will the proposed project impact on an Aboriginal place or known Aboriginal Objects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Section 10.7 Certificates have not identified the site as having or likely to have significance to Aboriginal people, an Aboriginal place or known Aboriginal objects.	
	Is the site in an area very highly disturbed /modified (i.e. does it contain large areas of sealed surface, fill or previously excavated areas?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site of the proposed works is highly disturbed and therefore it is considered that the works are unlikely to uncover any items of Aboriginal Cultural Heritage Significance.	
	If NO, does the project involve more than 1ha of ground disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	
	Is the project site within 200m of a high water mark of coastal waters of NSW?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required	

4 Environmental Risk Assessment

Table 1 Site Constraints				
Constraint	Factor	Yes	No	Action
	Is the project site within 200m of a wetland, coastal lake or waterway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffalo Creek is located on Lot 284 DP752035. The proposed works are located approximately 150m to the north of the creek. Appropriate mitigation measures including the establishment of erosion and sediment control measures prior to commencement of works and maintenance of measures until disturbed areas are stabilised have been included.
	Is the project site located on a sand sheet or within a dune area located on a ridge top?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required
	Is the project site within 20m of a cave, rock shelter, or a cave mouth?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Acid Sulphate Soils	Is the site less than 6m AHD?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required
	Does the site contain acid sulphate soils of Class 1-4?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required
	If YES, does the Project involve the excavation of more than 1 tonne of soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Mine Subsidence	Is the land located in a Mine Subsidence District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required
Land Slip	Does the Section 10.7 Certificate and/or consultation with the relevant council identify the site as being affected by land slip?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required
Heritage	Does the site contain an item of local or state heritage significance or is the site located in the vicinity of a local or state heritage item?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site does not contain an item of local heritage significance and is not located in the vicinity of a local or state heritage item.
Other	Is the project site subject of any other known environmental constraint following review of the Section 10.7 Certificate and consultation with the relevant local council?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No action required

5 Environmental Impact Assessment

This section provides an environmental impact assessment for the proposed works at RSC. The assessment includes an overview of the proposal and provides additional information for any specific environmental issues relating to the site which required more detailed consideration.

5.1 Matters of National Environmental Significance

In assessing the impact of the proposal for the purposes of the Commonwealth EPBC Act 1999, the factors are summarised in **Table 2**.

Table 2 EPBC Act 1999 Checklist	
Factor	Yes/No
Any significant impact on a declared World Heritage Property?	No
Any significant impact on a National Heritage place?	No
Any significant impact on a declared RAMSAR wetland?	No
Any significant impact on Commonwealth listed threatened species or endangered community?	No
Any significant impact on Commonwealth listed migratory species?	No
Does any part of the proposal involve nuclear actions?	No
Any significant impact on Commonwealth marine areas?	No
Any significant impact on the Great Barrier Reef Marine Park?	No
Any significant impact on Commonwealth land?	No

5.2 Detailed Environmental Assessment

The following environmental aspects are considered to be applicable to the site:

- Flora and Fauna;
- Traffic / Parking Impacts
- Bush Fire;
- Flooding;
- Stormwater Management;
- Tree Protection;
- Acoustic Impact;
- Visual Impact;
- Waste Management;
- Air Quality; and
- Cumulative Impacts

5.2.1 Flora and Fauna

The proposed works involve the establishment of an Asset Protection Zone. A Flora and Fauna Report (**Appendix 12**) has been prepared by Narla Environmental, which has assessed the relevant provisions of the EP&A Act, the Biodiversity Conservation Act 2016, the LEP and the DCP.

The Flora and Fauna Report has concluded that *“there will be no significant impact to any threatened entities as a result of the proposed activity, provided the appropriate recommendations in this report are followed”*.

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The recommendations provided within the Flora and Fauna Report have been included as part of the Mitigation Measures where appropriate. The appointment of a project ecologist is not warranted in this instance given tree removal has occurred prior to issuing of the REF and the APZ creation requires only minor tree works. (**Appendix 18**).

5.2.2 Traffic / Parking Impacts

A Transport Statement has been prepared by Ason Group (**Appendix 15**). The Transport Statement identifies that the majority of students attending the school arrive by bus, with a limited demand for kiss and ride, resulting in minimal queuing at the Malvina Street / Forrest Road and Malvina Street / Buffalo Road intersections.

The Transport Statement concludes the following in relation to parking provision:

The proposal does not result in additional parking provision requirements stipulated in the Ryde DCP.

As part of the Transport Statement, a Construction Traffic Management Plan (CTMP) has been prepared. The CTMP states that between 20 – 30 workers will be on site at any one time. Construction workers who drive to the site will be required to park on the surrounding road network.

The daily truck movements to the site will vary based on the stage of the development. During the demolition phase of the development, it is anticipated that a maximum of two (2) trucks will arrive on site on a daily basis. During the construction phase, this number is anticipated to increase to five (5) trucks per day. The arrival and departure route for heavy vehicles is provided in **Figure 7**.

No truck movements will occur during school zone times Monday to Friday. The proposed work hours are between 7am to 6pm, Monday to Friday, and 7:00am to 5:00pm Saturday with no work to occur on Sunday or public holidays.

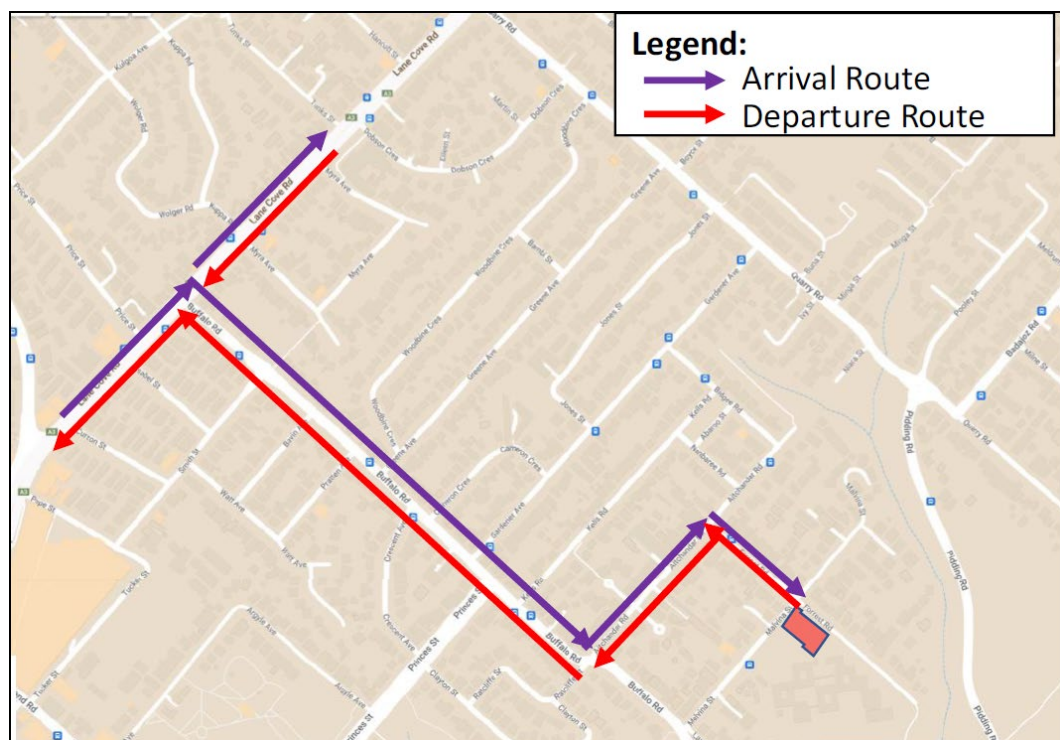


Figure 8 Construction Vehicle Arrival and Departure Routes Map

The CTMP details the measures and strategies to be undertaken during the construction phase to minimise the effects of the proposed works on the surrounding road network and to ensure the safety and efficiency of the community, workers, and road users.

5 Environmental Impact Assessment

5.2.3 Bush Fire

The site is mapped as containing bush fire prone land on Council's bush fire prone land map (refer to **Figure 6**). A Bushfire Assessment Report has been prepared by Australian Bushfire Consulting Services (**Appendix 9**) that provides an assessment of the proposed development against *Planning for Bushfire Protection 2019*.

Pursuant to Section 100B of the Rural Fires Act 1997, the proposed development was also referred to the Rural Fires Service, for the purpose of obtaining a BFSA. A BFSA was received on 14 October 2022 (**Appendix 23**). Subject to compliance with the requirements of the BFSA, the site is suitable for the proposed development. The requirements of the BFSA include:

- **Asset Protection Zone:** Creation and management of an Inner Protection Area (IPA);
- **Water and Utility Services:** Requirements for water, electricity and gas installations; and
- **Bush Fire Emergency Management and Evacuation Plan:** Updating of the RSC plan to be consistent with NSW RFS requirements.

The BFSA is referenced in the mitigation measures (**Appendix 18**) including compliance at the relevant stages of development and ongoing.

5.2.4 Flooding

Flood investigations have been undertaken to determine the extent of the flood affectation during a 1% AEP storm event and the probable maximum flood (PMF). This has been documented as part of the Civil Engineering Design Report prepared by Henry & Hymas (**Appendix 10**).

The Civil Report has noted that the site sits within the Buffalo Creek Catchment. Buffalo Creek is located towards the south of the site, approximately 150m from the location of the proposed works. As such, it was concluded in the Civil Engineering Design Report that the proposed works will not become inundated as a result of Buffalo Creek during the 1% AEP storm and PMF storm events (see **Figure 8** below).



Figure 9 City of Ryde Buffalo Creek catchment flood extent study 1% AEP and PMF

According to the Civil Engineering Design Report, the light blue shading detailed on the PMF plan is indicative of localised ponding that is caused by the flat terrain and not caused by flooding of Buffalo Creek.

As the proposed works are located above flood levels, the Civil Engineering Design Report has concluded that occupants (including teachers and students) can remain on site during a large flood event.

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5.2.5 Stormwater Management / Erosion and Sediment Control

As provided in the Civil Report prepared by Henry & Hymas (**Appendix 10**), stormwater controls will be implemented to ensure that the proposed development does not adversely impact on stormwater flows and water quality of the stormwater system downstream of the site.

Rainwater tanks will be utilised for Onsite Stormwater Detention (OSD) storage. This proposed stormwater management approach was discussed with Council and subsequently confirmed in writing on 29 August 2022 (refer to Appendix B of the Civil Report).

To ascertain the required OSD storage volumes, DRAINS modelling was undertaken which resulted in a requirement for an OSD volume of 30m³. To provide for the required OSD storage, four (4) 7.5kL rainwater tanks are proposed. The tanks will be fitted with low level outlets so that the tank will form a detention function. **Figure 9** is an extract of the proposed general arrangement plan, which details the location of the rainwater tanks and the discharge point towards an existing kerb inlet pit located on Forrest Road, north-east of the site.

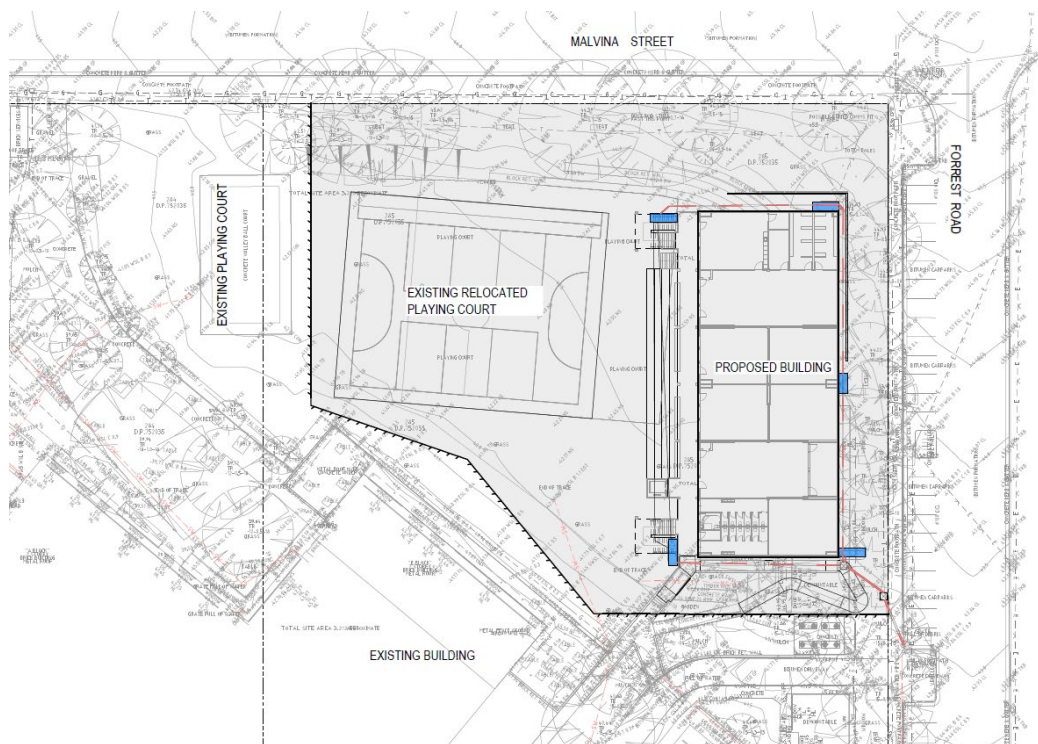


Figure 10 Extract of the proposed general arrangement plan

Erosion and sediment control will be managed in accordance with Section 3.3 of the Construction Management Plan (CMP) prepared by Lipman (**Appendix 11**). The CMP identifies the risk of a pollution event on the site caused by a lack of containment of erosion and sedimentation as being “relatively low”.

5.2.6 Tree Protection

In considering the impact of the proposed works on trees within the vicinity of the development, an Arborist Report has been prepared by Redgum Horticultural (**Appendix 17**). To facilitate the proposed works, the arborist has noted that two (2) trees are to be removed, with eleven trees proposed to be protected and retained. It is noted that the two (2) trees identified in the Arborist Report as requiring removal have already been removed. The arborist has recommended that two (2) trees be planted to replace the trees that have been removed (refer to Mitigation Measures).

Prior to works commencing appropriate tree protection measures should be established in accordance with the requirements of AS 4970 (2009) *Protection of trees on development site*.

5 Environmental Impact Assessment

The required tree protection measures have been included as part of the Mitigation Measures (**Appendix 18**).

5.2.7 Acoustic Impacts

An Acoustic Report has been prepared by PKA Consulting (**Appendix 6**) which provides an assessment of the acoustic impacts generated by mechanical plant noise and classroom noise.

The Acoustic Report identifies the noise logger within the school boundaries adjacent to the proposed building (towards Forrest Road). The noise logger is suitably located being the boundary noise condition of the existing school.

The Acoustic Report has assessed the noise impacts from the maximum student capacity of the building and operable façade glazing to enable natural ventilation. The noise impacts on adjoining residential receivers will comply with the NPfl noise criteria with no acoustic treatment or noise mitigation required.

Regarding the mechanical plant noise generated by outdoor chiller units, the noise modelling results found that the outdoor chillers exceeded the 48dBA project noise trigger level without any acoustic treatment.

To reduce the noise impact to below the 48dBA limit, PKA consulting has recommended incorporating an acoustic screen around the north eastern side of the plant area (see **Figure 10**). Subject to the construction of the acoustic screen, the noise from mechanical plant proposed as part of the development will be compliant with the maximum allowable noise levels.



Figure 11 Location of proposed acoustic screen around mechanical plant (as shown dotted in green)

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Construction noise and vibration will be managed in accordance with the Construction Management Plan (**Appendix 11**) Section 4.6.

5.2.8 Visual Impacts

The surrounding development within the immediate vicinity of the site is characterised by predominantly low and medium density residential developments, comprising single and two-storey buildings.

The proposal will improve the visual quality of the school when viewed from the public domain as it replaces an existing demountable building.

The separation between the proposed works and adjoining properties to the north east is approximately 20m. Further, the proposed building will be screened by existing trees and landscaping that is located along the north east boundary, adjacent to Forrest Road.

Figure 11 shows two (2) perspectives from the proposed Architectural Drawings that show the proposed building as viewed from Forrest Road.



Figure 12 Perspectives of the proposed building as viewed from Forrest Road

5.2.9 Waste Management

A Construction Waste Management Plan (CWMP) has been prepared by EcCell Environmental Management Pty Ltd (**Appendix 16**). The objectives of the WMP are to ensure that the storage and collection of waste is designed and managed appropriately, whilst

5 Environmental Impact Assessment

describing measures to manage, re-use, recycle and safely dispose of waste where required. The WMP aims to maximise re-use and recycling, whilst also encouraging minimal waste generation where possible.

The WMP provides details for on-site management and storage requirements during the demolition and construction phases of the project. Management of hazardous waste and an unexpected finds protocol is also addressed in the WMP.

5.2.10 Air Quality

Some dust is anticipated during the demolition and construction phases, however this impact can be managed through measures such as wetting down work areas / stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions.

The use of construction hoarding will also assist in mitigating impacts from dust. The proposed development is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

5.2.11 Cumulative Impacts

The cumulative impacts relate to both the potential impacts resulting from the proposed works as well as the potential impacts resulting from the ongoing operation of the school including the new building.

The related impacts from the proposed works are temporary in nature and estimated to only occur for a short period of time (approximately 2 months) with the bulk of work occurring during the December – January school holiday period.

The proposed works are not considered to result in significant adverse cumulative impacts upon the amenity of the RSC site or surrounding development and residents. The benefits of the proposed development on the school site will outweigh the impacts that may occur during the demolition and construction phases. Therefore, any cumulative impacts associated with the proposed works are considered to be minor, temporary and acceptable, subject to the implementation of mitigation measures as detailed in **Section 6** of this REF.

5.3 Section 6.28 of the EP&A Act

Section 6.28(2) (formerly section 109R) 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 SINSW, who will review and authorise this REF. Subsequent appropriate certification of the works on behalf of the Crown will be undertaken by a suitably qualified Crown Certifier in accordance with Section 6.28 of the Act, if required.

5.4 Section 171 of the EP&A Regulation Considerations

Section 171 of the Regulation details factors which must be taken into account when assessing the impact of an activity on the environment. These factors are addressed in **Table 3**.

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Table 3 Factors for Consideration under Section 171 of Environmental Planning and Assessment Regulation 2021

Factor	Impact Assessment	Mitigation Action Reference
a) the environmental impacts on the community;	<p>Community impacts that could arise as a result of the proposed works include impacts associated with traffic, stormwater, noise, access (including pedestrian safety), visual privacy and air quality. Suitable mitigation measures have been included to ensure potential impacts are minimised where they cannot be avoided.</p> <p>Long-term, the proposed activity will have a beneficial impact for the community by upgrading an established educational establishment to provide additional facilities that are modern and fit-for-purpose.</p>	1.2, 1.3.5, 1.3.9, 1.4.2, 1.4.3, 1.4.4, 1.4.5, 1.4.6,
b) the transformation of a locality;	<p>The proposed activity includes demolition/removal of an existing classroom building and the construction of a two-storey portable classroom at RSC. There will be some short-term impacts on the locality during the demolition and construction works. Most of the impacts will be on Forrest Road and properties located on the northern side of Forrest Road. Notwithstanding, these impacts can be appropriately managed by the implementation of the measures detailed in this REF.</p> <p>In the long-term, the proposed activity will not result in the transformation of the existing Ryde locality as the works do not comprise a change of use and do not involve substantial demolition works. Further, there are other two storey buildings on the site and within the locality and therefore the building won't be out of character with the prevailing scale of development</p>	1.2, 1.3.5, 1.4.5
c) the environmental impact on the ecosystems of the locality;	The proposed activity will not result in environmental impacts on the ecosystems of the local provided the mitigation measures relating to erosion and sediment control, removal of hazardous materials if encountered and the implementation of tree protection measures.	1.3.5, 1.3.9, 1.4.10
d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality;	The proposal will not result in a reduction of the aesthetic, recreational, scientific value of the locality. The proposed development will have a minor visual impact on the existing school and locality. However, the visual impacts have been mitigated through detailed architectural design solutions and the retention of the majority of trees along the north eastern boundary of the site that will assist in screening the proposed building from nearby properties.	1.3.9, 1.5.7
e) the effects on any locality, place or building that has – (i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or (ii) other special value for present or future generations,	The proposed activity will ensure that the existing use of a well-established educational establishment that has social significance for the local community can be maintained for present and future generations.	-
f) the impact on the habitat of any protected animals (within the meaning of the Biodiversity Conservation Act 2016),	The proposal will not remove any known habitat for protected animals (within the meaning of the BC Act). Appropriate tree protection measures will be established on site prior to the works commencing.	1.3.5, 1.3.9, 1.4.10, 1.5.7
g) The endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,	The proposal will not remove habitat that is important for threatened species. No species are likely to be endangered due to the proposed activity.	1.3.5, 1.3.9, 1.4.10, 1.5.7
h) long-term effects on the environment,	The works will not result in any long-term effects on the environment.	1.3.5, 1.3.9, 1.4.10, 1.5.7

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Table 3 Factors for Consideration under Section 171 of Environmental Planning and Assessment Regulation 2021

Factor	Impact Assessment	Mitigation Action Reference
i) degradation of the quality of the environment,	During works there may be short term impacts to the quality of the environment. These impacts will require mitigation throughout the duration of the works.	1.3.5, 1.3.9, 1.4.10, 1.5.7
j) Risk to the safety of the environment,	The proposed works are expected to be undertaken during the December / January school holiday period, to minimise impacts on students and staff. Appropriate site fencing / hoardings will prevent unauthorised access to work areas. If required, removal of asbestos and other hazardous materials will be undertaken in accordance with all relevant legislation, guidelines and NSW WorkSafe Codes of Practices.	1.2, 1.3.6, 1.4.3, 1.4.4
k) Any reduction in the range of beneficial uses of the environment,	The proposed activity facilitates the ongoing use of the site as educational establishment.	-
l) pollution of the environment,	General air, dust and noise pollution is anticipated during the demolition and construction works. These impacts will be short term and can be appropriately mitigated and managed.	1.2, 1.3.5
m) environmental problems associated with the disposal of waste,	A Demolition and Construction Waste Management Plan is required to be prepared to address the management and disposal of waste. This includes the classification of waste as required under the NSW EPA's Waste Classification Guidelines. If any hazardous materials are found during the demolition and / or construction works, they will be required to be removed in accordance with the relevant legislation and guidelines.	1.2, 1.3.5, 1.4.3, 1.4.4, 1.4.9
n) increased demands on resources (natural or otherwise) which are, or are likely to become, in short supply,	The proposed activity is unlikely to result in an increase in demands on resources (natural or otherwise) that are likely to become in short supply.	-
o) cumulative environmental effect with other existing or likely future activities,	The proposed activity will not result in any adverse cumulative environmental effects with other existing or likely future activities.	-
p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,	The proposed activity will not have any impacts on coastal process and / or coastal hazards.	-
q) Applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	The proposed activity is generally consistent with the provisions of the Sydney Region Plan, the North District Plan and the Ryde Local Strategic Planning Statement 2020.	-
r) Other relevant environmental factors.	N/A	-

6 Conclusion

This REF for the demolition and removal of an existing building and construction of a two-storey portable classroom building at Ryde Secondary College (RSC) has been prepared in accordance with the relevant provisions of the EP&A Act, EP&A Regulation, SEPP TI and Ryde LEP.

This REF has examined and considered all matters affecting or likely to affect the environment. This assessment has found that while there may be impacts as a result of the proposed works, they are not considered to be of significant, either in nature or extent as to be regarded as unacceptable.

On balance, the beneficial outcomes of the proposed works at RSC substantially outweigh any short-term negative impacts that may arise during the demolition and construction works.

Based on 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.

7 References and Relevant Guidelines

Australian Standard 1742.3 - 1996 *Manual of Uniform Traffic Control Devices Part 3: Traffic Control Devices for Works on Roads*

Australian Standard 2601-2001 *The Demolition of Structures*

Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*

Australian Standard 4970 – 2009 *Protection of trees on development sites*

Department of Environment, Climate Change and Water (now Department of Planning and Environment), 2009, *Interim Construction Noise Guideline*

Landcom, 2004, *Managing Urban Stormwater: Soils and Construction*, 4th Edition (The Blue Book)

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

Ryde Local Environmental Plan 2014