



Brigidine College Car Park – 325 Mona Vale Rd St Ives

DECISION STATEMENT

September 2023

1. Introduction

Brigidine College St Ives (the College) proposes to construct a new carpark at the south-eastern corner of the existing College campus (the Proposal) pursuant to the 'development permitted without consent' provisions under Section 3.37 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

The proposed works are located within the boundaries of the existing College at 325 Mona Vale Road, St Ives and involve the following:

- Demolition of the existing gymnasium, the Sister Adrian Wing, the staff carpark and associated structures;
- Construction of a new carpark, comprising 20 car parking spaces and a storage shed;
- New OSD tank to be located within the carpark;
- Minor landscape works and protection of existing vegetation;
- Associated tree removal; and
- Infrastructure upgrades to service the new carpark.

The REF has been prepared per the Department of Planning and Environment's (DPE) Code of Practice for Part 5 Activities for Registered Non-Government Schools (NSW Code of Practice), section 171(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Schedule 1, Section 5 of the EP&A Regulation recognises non-government schools as 'public authorities' and 'determining authorities' under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the purpose of assessing and carrying out 'development without consent' under Section 3.37 of the Transport and Infrastructure SEPP. Brigidine College St Ives is a registered non-government school and is the proponent and determining authority for the Proposal under Part 5 of the EP&A Act.

In order for the proposed activity to proceed, Brigidine College determine the Proposal on the basis of the REF in accordance with Part 5 of the EP&A Act.

The objectives of the Decision Statement are to:

- Assess the environmental impacts of the proposed activity and determine the significance of those impacts;
- Document consultation with agencies and the public (where required);
- Explain why the key conclusions in the REF were or were not accepted;
- Document the authorised person's engagement with the REF; and
- Make a determination of the proposed activity or make a decision that there is sufficient information to discharge the duty under Section 5.5 of the EP&A Act.

2. Description of Proposed Activity

Brigidine College is seeking to deliver a new sports facility at the south-eastern corner of the site, which will include a new two storey building comprising sports courts and teaching facilities, upgrades to the existing outdoor sports courts, and a one story carpark.

This REF specifically relates to the proposed one story carpark and will include the following works:

- Demolition of the existing gymnasium, the Sister Adrian Wing, the staff carpark and associated structures;
- Construction of a new carpark, comprising 20 car parking spaces and a storage shed;
- New OSD tank to be located within the carpark;
- Minor landscape works and protection of existing vegetation;
- Associated tree removal; and
- Infrastructure upgrades to service the new carpark.

The abovementioned works are proposed under this REF.

Architectural Drawings prepared by Mayoh Architecture at Appendix A have been prepared to accompany this REF.

Figure 5 below provides a site plan of the proposed works.

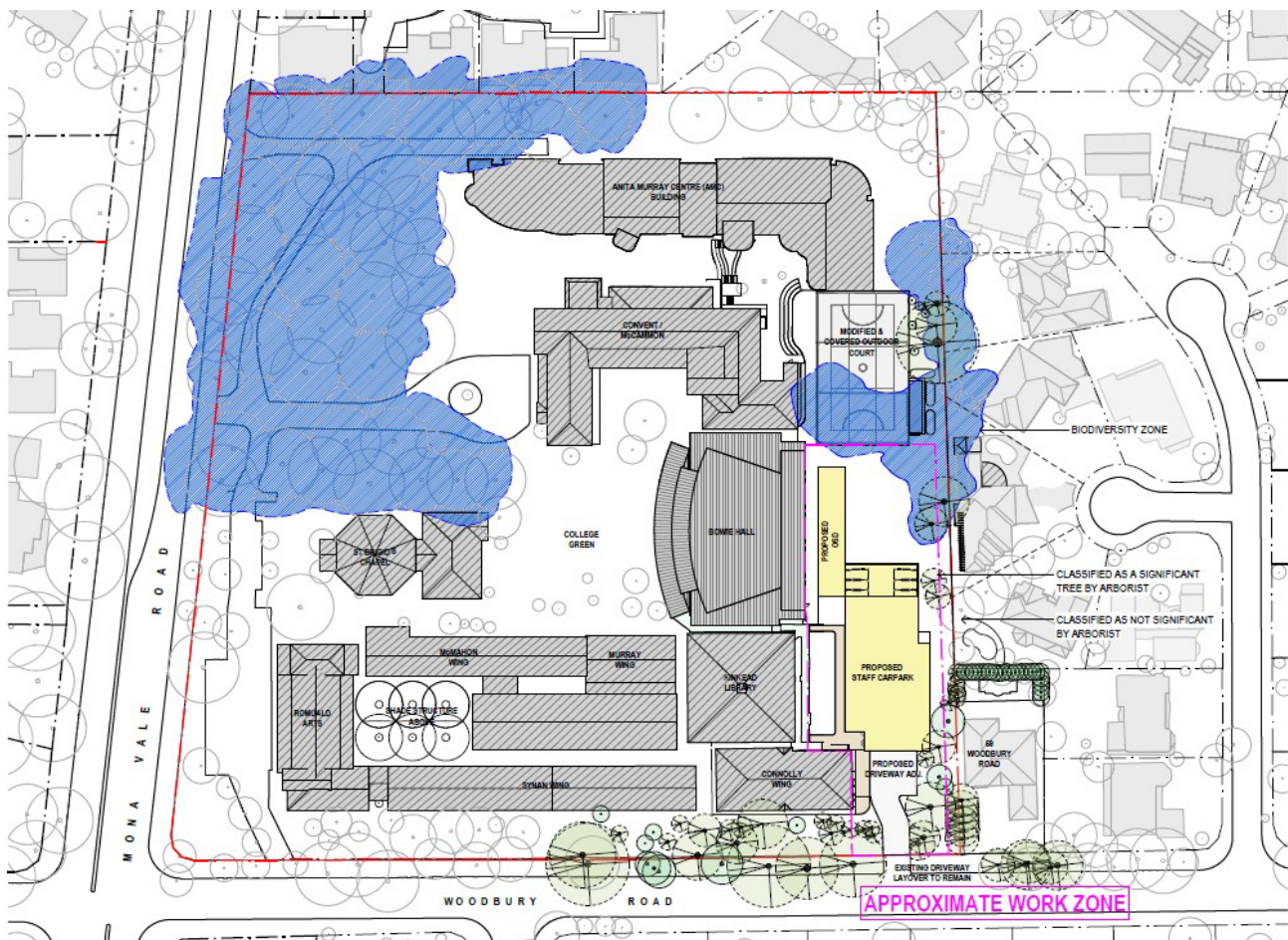


Figure 5 Proposed Site Plan
Source: Mayoh Architects

The proposal requires demolition on the site to facilitate the new carpark. Specifically, the demolition works proposed include the demolition of the existing gymnasium and the Sister Adrian Wing and the associated structures.

Additionally, the proposal also seeks the demolition of the existing staff carpark on the site, which contains an approved 20 carparking spaces. It is noted that some landscaping and trees are proposed to be removed in order to facilitate the carpark works.

The proposed activity requires partial excavation of the land to facilitate the carpark, OSD and associated plant and services. The proposed excavation will be at a maximum depth of 4.5m below ground level.

The proposed new carpark is one storey in height and will comprise a storage shed, 20 carparking spaces, and an on-site detention tank (to replace an existing on-site detention tank that will be removed during demolition).

The proposal involves the construction of a temporary lawn, new paving for the surrounding walkways and corridors, and associated planting and landscaping works with the redesign of the existing driveway and new carpark.

3. Consultation

The REF scope of work was notified for 21 calendar days to the Ku-ring-gai Council and occupiers of adjoining land in accordance with the relevant consultation requirements of the Transport and Infrastructure SEPP. Refer to Section 5 of the REF for more details.

The notification period commenced on 12 May 2023 and concluded on 1 June 2023. An overview of the comments received from Council and the College's response is outlined below in Table 6 of the REF.

4. Consideration of Environmental Impacts

The REF details the proposed activity, assesses the potential impact of the proposed activity on the environment and recommends management measures to avoid, manage and/or mitigate those impacts.

The issues addressed in the REF are detailed in Section 6 and relate to:

- Traffic, Parking and Access
- Civil Infrastructure
- Noise and Vibration
- Aboriginal Heritage
- Tree Removal
- Flora & Fauna Impacts
- Geology and Soils, Geotechnical and Contamination
- Accessibility
- Electrical Services
- Waste Management
- Hazardous Materials
- Construction Management
- Cumulative Impacts
- Public Interest

The REF addresses the requirements of Section 5.5 of the EP&A Act by considering, to the fullest extent possible, all matters affecting or likely to affect the environment arising from the proposed activity. The REF also considers factors prescribed under Section 171(2) of the *Environmental Planning and Assessment Regulation 2021*.

The REF assesses and considers the likely significance of the environmental impacts of the proposed activity under Section 5.7 of the EP&A Act.

Mitigation measures are to be implemented for the proposal to reduce impacts on the environment. A summary of the mitigation measures are provided in Table 11 in Section 7 of the REF. These mitigation measures and conditions are for implementation prior to and during the construction process, as well as during operation of the building.

Based on the identification of potential issues, and an assessment of the nature and extent of the impacts of the proposed development, it is determined that:

- The extent and nature of potential impacts are minimal and will not have significant adverse effects on the locality, community and the environment.
- Potential impacts can be appropriately mitigated or managed to ensure that there is minimal effect on the locality and community.
- Given the above, it is determined that an EIS is not required for the proposed development activity.

5. Conclusion

The proposed construction of a new carpark is subject to assessment under Part 5 of the EP&A Act. The REF has examined and considered to the fullest extent possible all matters affecting, or likely to affect, the environment by reason of the proposed activity.

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

Any potential impacts identified can be reasonably mitigated and, where necessary, managed through the adoption of suitable site practices and adherence to accepted industry standards.

As outlined in this REF, the proposed activity can be justified on the following grounds:

- It responds to an existing need within the community.
- It generally complies with or is consistent with all relevant legislation, plans and policies.
- It has minimal environmental impacts.
- Adequate mitigation measures have been proposed to address these impacts.

The environmental impacts of the proposal are not likely to be significant, and therefore, it is not necessary for an EIS to be prepared and approval to be sought for the proposal from the Minister for Planning under Part 5.1 of the EP&A Act. On this basis, it is recommended in the REF that the determining authority determine the proposed activity in accordance with Part 5 of the EP&A Act and subject to the adoption and implementation of mitigation measures identified within the report.

6. Determination

I, Richard Luxford as an authorised person on behalf of Brigidine College St Ives, have examined and considered the REF prepared by Ethos Urban Pty Ltd for the proposed development of a new carpark in accordance with Section 5.5 of the *Environmental Planning and Assessment Act 1979*.

I have been provided with a detailed briefing of the REF and have gained an understanding of the impacts of the proposed activity.

As per the requirements of the relevant Code, I have not been involved in conducting the assessment of the proposed activity.

The proposed activity is not likely to significantly affect the environment, and is not likely to significantly affect threatened species, populations, ecological communities or their habitats.

I determine that neither an Environmental Impact Statement nor a Species Impact Statement are required in respect to the proposed activity. The proposed activity may now proceed subject to the implementation of the mitigation measures and conditions stipulated in the REF.

This is not a conditional decision, and no further conditions are required (other than the mitigation measures and conditions stipulated in Section 7 of the REF).


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Richard Luxford

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Date