

## Department of Planning and Environment

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Your Ref: SSD-41306367

Teresa Gizzi  
Planning Group  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

5 December 2022

**Subject: EHG Comments on the Environmental Impact Statement for New Primary School at Gregory Hills (SSD-41306367)**

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Dear Ms Gizzi

Thank you for your e-mail received on 8 November 2022 requesting advice from the Environment and Heritage Group (EHG) on the Environmental Impact Statement (EIS) for the above project, 28 Wallarah Circuit, Gregory Hills. EHG has reviewed the EIS and provides comments and recommendations relating to biodiversity and flooding at Attachment 1.

In summary EHG recommends that:

- Relevant Biodiversity Measure (RMB) 19 of the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Biodiversity Certification Order)* is complied with
- all impacts to trees identified for retention are adequately assessed
- proposed stormwater infrastructure/pipes are relocated outside of the area of Cumberland Plain Woodland (CPW) and the Tree Protection Zones (TPZs) of trees proposed for retention
- the extent of proposed cut and fill works is reduced to avoid the area of CPW including the TPZ of trees identified for retention
- that the carpark to the south is reconfigured to reduce impacts to CPW including the TPZs of trees identified for retention, and
- an emergency response plan is prepared in consultation with the State Emergency Service (SES).

If you have any queries please contact Angela Taylor, Senior Conservation Planning Officer via [angela.taylor@environment.nsw.gov.au](mailto:angela.taylor@environment.nsw.gov.au) or 02 9585 6146.

Yours sincerely



Susan Harrison  
**Senior Team Leader Planning**  
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### Attachment 1: EHG Comments and recommendations – EIS for New primary School at Gregory Hills (SSD-41306367)

#### Requirements of the Growth Centres Biodiversity Certification Order

The development site is subject to the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Biodiversity Certification Order)*. The development application must therefore address the relevant biodiversity measures (RBMs) of the Order, including:

- retention and protection of a minimum 2000 hectares (ha) of Existing Native Vegetation (ENV) ENV, either within certified areas and/or the non-certified areas (RBM 6)
- provide for the appropriate reuse of plants (including but not limited to seed collection) and topsoil from development sites that contain known or potential native seed bank and address the re-location of native animals from development sites prior to development commencing (RBM 19).

In relation to RBM 6 EHG supports the proposed retention of approximately 0.14ha of Cumberland Plain Woodland (CPW) on the development site. However, EHG notes that as the CPW on site does not meet the definition of ENV as defined in the Biodiversity Certification Order the retained CPW cannot contribute to the Growth Centres 2000 ha ENV target. EHG also notes that the retention of this area of CPW provides an opportunity for restoration works and for environmental education, the latter of which is identified as an opportunity in the submitted EIS.

In relation to RBM 19 the submitted Ecological Assessment should outline how the proposed development seeks to reuse plant material onsite. Of relevance to this RBM EHG notes that it is proposed to reuse felled tree trunks on the proposed development site and that there may also be scope to collect seed for proposed landscape plantings or CPW revegetation works.

In relation to RBM 19's requirement to relocate fauna from the development site prior to impacts occurring EHG notes that preclearance surveys for trees proposed for removal are not currently proposed. EHG therefore recommends that the Ecological Assessment is amended to include a requirement for preclearance surveys.

Of relevance to the above comments EHG notes that the submitted Ecological Assessment Report (Ecological Assessment) prepared by Kleinfelder dated 7 October 2022 indicates that as the eight trees proposed for removal have been assessed in accordance with Chapter 2.4 2(b) of the Camden Council DCP and in accordance with Chapter 2 of the Biodiversity and Conservation SEPP. Furthermore, there is no requirement to assess the removal of these trees in accordance with the Biodiversity Certification Order, thus implying that compliance with the RBM's is not required.

However, EHG notes that not all the trees proposed for removal meet the exemptions under Chapter 2 Clause 2.7 of the Biodiversity and Conservation SEPP. In this regard the AIA is proposing the removal of Trees 14, 15, 16 and 18 as these trees are considered to have a low retention value. In addition, no evidence has been submitted to demonstrate that the Camden Council is satisfied that Trees 8, 9 and 10 are dead and dying and not required as habitat of native animals and that Tree 13 is a risk to human life or property. EHG also notes that the trees are being removed to facilitate the use of the site as a school under the SSD. EHG therefore recommends that the requirements of RBM 19 are complied with.

### *Ecological Assessment Report*

The following comments are provided in relation to the submitted Ecological Assessment Report.

- EHG notes an inconsistency between the submitted Arboricultural Impact Assessment (AIA) Report prepared by rain Tree consulting dated 7 October 2022 and the Ecological Assessment. In this regard, the Ecological Assessment advises that no important habitat features (i.e., hollow bearing trees) were identified within the study area. Whilst the AIA indicates that Tree 13 (as identified in the AIA) which is proposed for removal contains a deep open cavity hollow. The habitat value of which is not discussed in the Ecological Assessment.
- Table 2 Direct Biodiversity Impacts resulting from the proposed development does not address impacts associated with the proposed removal of trees 8, 10, 13, 14, 15, 16, 18 and 19.
- Reference is made to Figure 5 and Figure 3 on page 10 of Ecological Assessment (the latter of which appears to have been incorrectly labelled and should be Figure 6). Further clarification is required as to the area of the development footprint that intersects the area of CPW identified for retention. EHG notes that none of the submitted plans (i.e., Landscape Plan, Civil Plans or Architectural Plans) show proposed works in the middle of the retained CPW remnant. It is therefore unclear as to why the identified development footprint intersects this remnant. Further clarification is therefore required in this regard. EHG further notes that the development footprint shown on these Figures is not reflective of the most recent development footprint including the one shown in Figure 1 of the Ecological Assessment.
- In reviewing the Civil Plans submitted as part of Attachment U Integrated Water Cycle Management Plan of the EIS EHG notes that the Ecological Assessment has not considered impacts associated with proposed stormwater infrastructure, cut and fill works, pathways and hard services. To avoid impacts to the area of CPW identified for retention EHG recommends that:
  - proposed stormwater infrastructure/pipes are relocated outside of the area of CPW and the Tree Protection Zones (TPZs) of trees proposed for retention
  - the extent of proposed cut and fill works is reduced to avoid the area of CPW including the TPZ of trees identified for retention
  - that the carpark to the south is reconfigured to reduce impacts to CPW including the TPZs of trees identified for retention.
- Reference is made to Figure 7 of the submitted Ecological Assessment. EHG notes that the extent of vegetation zone 1 PCT 3320 extends beyond the mapped boundary of retained trees. Clarification is required in relation to this discrepancy.
- EHG recommends that consideration be given to undertaking restoration works within the retained CPW remnant including restoring CPW groundcovers and shrubs.
- Reference is made to Section 4 Mitigation Measures of the Ecological Assessment. EHG notes that:
  - there is no reference to the mitigation measures outlined in the AIA
  - preclearance surveys have not been identified as a mitigation measure
  - there is no discussion about how trees identified for removal should be felled to avoid impacts to adjoining CPW trees identified for retention

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- there is no discussion about the proposed timing of the removal of trees to avoid impacts to native animals, and
- there are no mitigation measures addressing impacts from proposed stormwater infrastructure or cut and fill works.

### ***Arboricultural Impacts***

The following comments are provided in relation to the submitted AIA

- The submitted AIA does not appear to be finalised. In this regard the AIA makes several references to what the final AIA needs to address (refer to Section 2.3.1). Also as further discussed below it is also noted that construction drawings and civil plans do not appear to have been considered as part of the AIA.
- In reviewing the Civil Plans submitted as part of Attachment U Integrated Water Cycle Management Plan of the EIS EHG notes additional impacts to the TPZs of trees will result from proposed stormwater infrastructure and proposed cut and fill works. EHG recommends that the proposed alignment of the stormwater infrastructure/pipes and the extent of proposed cut and fill works is revised to avoid impacts to the TPZs of trees identified for retention. The AIA should then assess any residual impacts resulting from stormwater infrastructure and cut and fill works and provide recommendations to reduce any residual impacts.
- Clarification is required around the proposed timing of tree removal (i.e., will this occur prior to the installation of tree protection fencing on the development site).
- Further information is required as to how trees identified for removal will be felled to reduce impacts to adjacent trees identified for retention and to ensure that felled trunks are suitable for their intended reuse on the development site.
- Page 13 of the AIA advises that to ensure tree impacts are minimised ideally development should not encroach within >10% of the TPZs. Further to this, Section 2.1.3 of the AIA includes recommendations to reduce impacts to the TPZs of Trees 1, 2, and 20. EHG supports the AIA recommendation that the carpark should be reconfigured to reduce impacts to the tree protection zones of Trees 1, 2 and 20.
- The AIA does not identify the extent of incursions to trees associated with hard surfaces and pathways. The extent of incursions arising from all proposed works should be identified in the AIA. Further, the AIA should Map the extent of TPZs, structural root zones, incursions and proposed TPZ offset areas for identified incursions.
- Clarification is required as to why a Tree Protection Plan has not been provided as part of the submitted AIA.

### ***Landscaping and Local Amenity***

EHG recommends that the submitted Landscape Plan prepared by Taylor Brammer dated 5 October 2022 is amended to include:

- A monitoring and maintenance schedule for a minimum of 1 year to help ensure the establishment of landscaping works and to replace any dead plants.
- To use more advanced stock particularly more advanced trees subject to availability.

### *Flooding*

The updated Upper South Creek Flood Study (WMA 2021) which can be found at: [Review of Upper South Creek Flood Study In The Context Of Ongoing Development - Flood Projects - NSW Flood Data Portal](#), provides flood information at the site of the school at Lot 3257 Deposited Plan 1243285.

The above Study provide the following flood information:

- The proposed buildings footprints are not impacted by flooding.
- The site is not impacted by flooding in the 1% AEP flood event, except for a strip of flow with shallow depth less than 0.25 m at the north-western border.
- The site is largely not impacted by flooding in the probable maximum flood event (PMF), except for a strip of flow with shallow depth at the north-western border and at the south-western area of the site. These areas are designed for open space to include existing and proposed trees. There is also a strip of flow along the southern border of the site at Wallarah Circuit.
- There is a chain of detention basins partially bordering the site at the western border. The depth of the water in these basins is up to 3 m in rarer events.
- Access by car to the site is cut in the PMF. However, the critical duration for the PMF of is up to 1 hour.

Based on the above information, EHG recommends that an emergency response plan (ERP) is prepared in consultation with the State emergency Service (SES).

The ERP is to consider the following:

- Safety signs at the western part of the site near the detention basins and near the flow path at the southern border of the site.
- Access to and from school in extreme events such as the PMF event.

The preparation and implementation of an emergency response plan will help ensure the safety of students, teachers, parents, carers and other members of the school community.

**End of Submission**