



Your ref: SSD-56264716
Our ref: DOC25/28841

Dimitri Gotsis
Senior Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy St,
Parramatta NSW 2150

12 February 2025

Subject: Malek Fahd Islamic School Expansion – SSD-56264716 – EIS

Dear Dimitri,

Thank you for your referral received 13 January 2025 requesting advice on the Environmental Impact Statement (EIS) for this State Significant Development (SSD-56264716).

Please note from 20 January 2025, the former BCS Group is now known as the Conservation Programs, Heritage and Regulation (CPHR) Group.

CPHR has reviewed the EIS prepared by Willowtree Planning (dated 4 October 2025) and accompanying technical reports and provides its comments and recommendations at Attachment A.

Should you have any queries regarding this matter, please contact Theo Wilkinson, Senior Conservation Planning Officer via theo.wilkinson@environment.nsw.gov.au.

Yours sincerely,

Louisa Clark
Director, Greater Sydney
Regional Delivery – Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

BCS Assessment Summary for Malek Fahd Islamic School Expansion Environmental Impact Statement (SSD-56264716)

In preparing this advice, CPHR has reviewed the following documents:

- Environmental Impact Statement (EIS) – Willowtree Planning (1 October 2024)
- Streamlined Biodiversity Development Assessment Report (BDAR) – Narla Environmental (October 2024)
- Landscape Plans – Distinctive Living Design – 15 April 2024
- Arboricultural Impact Assessment (AIA) and Tree Protection Management Plan (TPMP) – Canopy Consulting (19 September 2023)
- Civil Drawings – Stantec (15 March 2024)
- Bushfire Assessment Report – Building Code & Bushfire Hazard Solutions (18 March 2024)
- Flood Impact Risk Assessment (FIRA) – Stantec (23 July 2024).

Biodiversity

Key Assessment Issues

1.	Currency of BDAR	The date of the BDAR finalisation is 1 October 2024. As such, the BDAR was not finalised within 14 days of submission to the planning portal, which does not meet the requirements of section 6.15 of the <i>Biodiversity Conservation Act 2016</i> (BC Act). Recommended action: • DPHI confirms that the BDAR (and associated BAM-C calculations) meet the requirement of section 6.15 of the BC Act in that the BDAR must be finalised within 14 days of the submission. This confirmation may need to be undertaken once modifications are made to an amended BDAR (as outlined below).
	<i>Extent and Timing</i>	Pre-determination
2.	Avoid and minimise	The BDAR provides insufficient information to demonstrate that impacts to the Critically Endangered Ecological Communities (CEEC) were minimised. The AIA specifies the removal of 133 trees. This includes 43 trees of high significance. Many of these high significance trees are species descriptive of Cumberland Plain Woodland (CPW), a CEEC and Serious and Irreversible Impact (SII) entity on site. It is recommended that the proposed development is further refined to enable additional CEEC trees to be viably retained in line with the requirements to avoid and minimise impacts (as per clause 6.2 and 6.12 of the BC Act and section 7 of the Biodiversity Assessment Method 2020 (BAM)). The impacts must be genuinely avoided or minimised before offsets are proposed to compensate for any residual impacts. This is particularly so given a SII entity is being impacted. CPHR considers that the current proposal has failed to take all appropriate avoidance and minimisation measures. Recommended action: • The proposal is refined in consultation with an AQF Level 5 Arborist to enable the retention of more high significance trees to effectively avoid and minimise impacts to the CEEC.

		- The BDAR should be updated and outline (in section 6) how impacts were avoided/minimised to the CEEC in accordance with section 7 of the BAM. - The architectural plans, landscape plans and stormwater plans should be updated to show the retention of additional significant trees. - The AIA should be updated to: - demonstrate the viable retention of additional tree (in line with AS 4970 2009) - provide further tree protection measures (to be detailed in the AIA and updated plans) to ensure that Tree 1 can be viably retained - assess the impact of the proposed sediment basin and swale is likely to encroach into the Tree Protection Zone (TPZ) of Trees 2-8 - specify any pruning works (if required) to achieve the requirements of an Inner Protection Area (as specified in the Bushfire Assessment Report).
	<i>Extent and Timing</i>	Pre-determination
3.	BDAR impact assessment	The BDAR includes several matters that are not in accordance with the BAM. The BDAR should be updated as follows: - Section 4.1 of the BDAR to reflect that the black-necked stork was excluded from the assessment due to habitat constraints. - Sections 4.31 and 4.32 of the BDAR regarding absent microhabitat for each species credit species. The BDAR is to include a description of the microhabitats assessed as being required by the species in the BDAR (as per section 5.2.3 of the BAM). - Section 6.1 of the BDAR identified the presence of human-made structures and non-native vegetation. Further information be provided including a map (and digital file) showing the location of any prescribed impact features (as per section 6.1.2 of the BAM). Recommended action: - The BDAR should be updated to address the above listed matters.
	<i>Extent and Timing</i>	Pre-determination
4.	BDAR calculation of loss	The BDAR specifies a partial Vegetation Integrity (VI) loss of 9.3 for the Asset Protection Zone (APZ) managed vegetation zone. Table 9 in the BDAR provides justification for the approach taken to calculate the VI score which is supported by CPHR. However, the BAM-C calculations are not consistent with this. Recommended action: The BAM-C calculations should be updated within the future VI calculation in the BAM-C. Currently, the stem size class within the future function condition score shows '0'. This should instead be 3.5.
	<i>Extent and Timing</i>	Pre-determination

5.	Assessment of whether impacts on Cumberland Plain Woodland (CPW) are likely to be serious and irreversible	It should be noted that CPHR will undertake an assessment of whether the proposal will result in a SAI on CPW once the proposal has been updated to retain additional trees. Recommended action: Once the proposal is amended to retain more trees, it is recommended that the applicant updates the assessment in Section 8.3 of the BDAR in accordance with section 9.1 of the BAM.
	<i>Extent and Timing</i>	Pre-determination

6.	Adequacy of Landscape Plan	The landscape plan should be updated to be consistent with the amended AIA regarding tree retention. It is also recommended that the landscape plan provide more species descriptive of CPW. Refer to the scientific determination for species characteristic of CPW: Cumberland Plain Woodland in the Sydney Basin Bioregion - critically endangered ecological community listing. Recommended action: The landscape plan should be updated in accordance with the above recommendations.
	<i>Extent and Timing</i>	Pre-determination

Flood risk management

Whilst it is noted that the school site is not within Flood Planning Area (FPA) for the Hills Shire Council, CPHR consider that the FIRA prepared by Stantec (dated 23 July 2024) has not satisfied the requirements outlined in the NSW Government's [Flood Impact Risk Assessment \(LU01\)](#) guidelines, particularly in relation to critical infrastructure such as schools.

Key Assessment Issues

- **Incomplete Assessment of Full Range of Flood Events:** The LU01 guidelines specify that flood impact risk assessments for critical infrastructure, including schools, must consider flooding up to the Probable Maximum Flood (PMF). Given that schools serve vulnerable populations and require safe emergency evacuation routes, the absence of a full assessment of rarer flood events is a significant gap. It is noted that no flood mapping was provided as part of the FIRA or EIS.
- **Lack of Assessment of Flood Constraints:** The assessment does not evaluate key flood-related constraints around the site, such as floodways, flood storage areas, and emergency response considerations. LU01 highlights that for critical infrastructure, it is crucial to assess how the site may be affected in extreme flood events and whether it remains accessible during emergencies.
- **Insufficient Consideration of Flood Hazard and Risk:** The assessment does not adequately classify flood hazards or analyse their implications for site safety. LU01 requires that critical infrastructure assessments should include detailed flood hazard categorisation, ensuring that schools are not placed in areas where flood risk would compromise student and staff safety.
- **Pre- and Post-Development Impact Analysis:** The LU01 guidelines requires the need to model both existing and post-development flood conditions. The current FIRA does not assess whether the proposed development will alter flood behaviour, and the potential for diversion of overland floodwaters to surrounding areas.

- **Emergency Response and Evacuation Considerations:** Schools require clear flood emergency response planning. LU01 outlines that FIRAs for critical infrastructure should assess the availability of evacuation routes and whether flood conditions could isolate students and staff. Without this analysis, it is difficult to determine whether emergency plans can be effectively implemented.

Recommended Action

CPHR request that an amended FIRA is prepared by a consultant with experience and advanced skills in catchment hydrology, floodplain hydraulics and have a good working knowledge of Floodplain Risk Management practices and guidance in NSW. The amended FIRA should:

- Demonstrate the impact from a full risk of flooding and emergency management constraints to the site. In accordance with LU01, the FIRA should include analyses of key flood characteristics, including hydraulic categorisation, flood hazard and inundation depths and flood levels based on a series of floods, for pre and post development conditions for the full range of flooding up to the PMF.
- Address any broader flood constraints around the site, including floodways, flood storage, and emergency evacuation routes.
- Provide a detailed flood hazard analysis to demonstrate that there are no risks from overland flooding within and around the site to the safety of small children in alignment with LU01 and Flood Hazard guidance.
- Evaluate pre- and post-development flood risk impacts to ensure that the development does not exacerbate flooding risks for the school and surrounding community.
- Include a review of emergency response measures to confirm that evacuation routes remain viable in extreme flood events.
- Ensure compliance with the SEARs requirements, particularly in relation to climate change considerations, emergency response planning, and adherence to NSW Government Guidelines.

End of Submission