

Department of Education
Communication via email

Date: 19/05/2021

Our ref: 20SYD - 17572

Attention: Matt Rheuben

Dear Matt,

RE: Biodiversity Assessment – Edmondson Park School

Eco Logical Australia (ELA) were engaged by the Department of Education to provide a biodiversity assessment of the proposed development for a new primary school at Buchan Avenue, Edmondson Park.

This biodiversity assessment accompanies an Environmental Impact Statement (EIS) in support of State Significant Development Application (SSD-10224) for the Edmondson Park School. The Department of Education is the proponent.

The project SEARs state the following in relation to biodiversity:

Where a BDAR is not required because the proposed development is located on biodiversity certified land:

- *demonstrate that the proposed development is located on biodiversity certified land and provide details of relevant order(s) conferring biodiversity certification to the land and any associated maps.*
- *demonstrate that the proposed development is consistent with any requirements of the biodiversity certified land.*
- *identify if the site is affected by, or the proposed development impacts upon, any relevant biodiversity measures set out in an order conferring biodiversity certification to the land and provide details of any relevant consistency reviews considered in the preparation of planning controls affecting the site.*
- *identify if the site contains mapped existing or protected native vegetation and demonstrate that the proposed development is consistent with the provisions that apply to the mapped areas*
- *provide an assessment of flora and fauna impacts where significant vegetation or flora and fauna values would be affected by the proposed development.*

Eco Logical Australia can confirm that the entire site is 'subject land' according to Part 7 (Biocertification of the Sydney Region Growth Centres SEPP and related EPIs) of Schedule 7 to the

Threatened Species Conservation Act 1995 (Figure 2). Further details are provided within this letter and summarised below.

SEARs	Response
demonstrate that the proposed development is located on biodiversity certified land and provide details of relevant order(s) conferring biodiversity certification to the land and any associated maps.	<p>The development site is wholly located on certified lands as per Figure 2 of the report.</p> <p>Section 1 confirms the effect of biodiversity certification under Part 4 of the EP&A Act 1979 and other relevant legislation.</p>
demonstrate that the proposed development is consistent with any requirements of the biodiversity certified land.	<p>Section 1 outlines the effect of Section 8.4(2) of the Biodiversity Conservation Act 2016 (BC Act).</p> <p>There is no further assessment of ecological impacts required on certified lands.</p>
identify if the site is affected by, or the proposed development impacts upon, any relevant biodiversity measures set out in an order conferring biodiversity certification to the land and provide details of any relevant consistency reviews considered in the preparation of planning controls affecting the site.	<p>Biodiversity certification within the Sydney Regional Growth Centres 2006 SEPP is subject to the conditions listed in the Order to Confer (NSW Government, 2007).</p> <p>The subject land is not affected by any measures stipulated within the order.</p>
identify if the site contains mapped existing or protected native vegetation and demonstrate that the proposed development is consistent with the provisions that apply to the mapped areas	<p>The site does not contain mapped Existing Native Vegetation (ENV) or Native Vegetation Retention (NVR), as per Figure 2.</p> <p>No existing or protected vegetation is present nor needs to be considered.</p>
provide an assessment of flora and fauna impacts where significant vegetation or flora and fauna values would be affected by the proposed development.	<p>An assessment of flora and fauna impacts is not required as the land is wholly certified as per Section 8.4(2) of the BC Act, outlined in Section 1.</p>

The proposed development is described in Table 1 below.

Table 1: Details of Development

Requirement	Description
Admin	<p>Proponent: Department of Education</p> <p>Contact: Matt Rheuben (matt.rheuben@det.nsw.edu.au)</p> <p>Project ID: SSD- 10224 – Prepare EIS</p> <p>Completed by Roshan Kalugelage – Environmental Consultant (Eco Logical Australia) – B.Sc. (Environmental Science)</p>
Site Details	<p>Site address: Buchan Avenue, Edmondson Park</p> <p>Location Map: Figure 1</p> <p>Site Map: Prospective layout shown in Figure 3.</p>
Proposed Development	<p>The SSDA seeks approval for a new core 35 new primary school in Edmondson Park accommodating 1,012 students and a coldshell 40 place pre-school at the site. The works comprise:</p> <ul style="list-style-type: none"> • Site preparation and excavation; • Land use for the purpose of a new primary school in Edmondson Park and pre-school; • Construction of new buildings including: <ul style="list-style-type: none"> ○ A three storey building on the western portion of the site primarily addressing Faulkner Way comprising 36 homebases, 4 special support unit teaching spaces, staff room, administration office at the ground floor and library at the first floor addressing the corner of Buchan Avenue and Faulkner Way, and student amenities; ○ A single storey coldshell preschool building for educational programs for children the year before they commence kindergarten, accommodating 40 places. The pre-school building will be connected at the southern end of the three storey building; and ○ A single storey building on the eastern portion of the site comprising a communal hall, out of school hours care facility, 8 homebases and covered outdoor learning area. • Landscaping and public domains works including tree planting, a sports court and creation of various assembly, play and learning zones; • A drop-off and pick-up zone, and bus zone on Buchan Avenue; • An at-grade staff carpark in the southern part of the site with ingress and egress provided off Faulkner Way at the south-west corner of the site; • Primary pedestrian entrance from Buchan Avenue and an additional entrance on Faulkner Way for the ground floor support unit; and • Other ancillary infrastructure and utilities works and digital signage.

1. Biodiversity Certification

In August 2017 the *Biodiversity Conservation Act 2016* was gazetted and repealed the *Threatened Species Conservation Act 1995*. However, under section 43 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, the repeal of the TSC Act 1995 does not affect the operation of part 7 of Schedule 7 to that Act.

Section 8.4(2) of the *Biodiversity Conservation Act 2016* describes the effect of biodiversity certification in relation to development under Part 4 of the EP&A Act 1979. This section states ‘an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act 1979’.

As the entire site is ‘subject land’ according to Part 7 (*Biocertification of the Sydney Region Growth Centres SEPP and related EPIs*) of Schedule 7 to the *Threatened Species Conservation Act 1995*, no further assessment of impacts to threatened species, populations or ecological communities is required under the NSW *Biodiversity Conservation Act 2016*.

2. Sydney Region Growth Centres SEPP 2006

The *State Environmental Planning Policy (State Significant Precincts) 2005* contains controls for the clearing of Existing Native Vegetation and Native Vegetation Retention Areas as shown on the Native Vegetation Protection Map.

The subject site does not contain vegetation mapped in either of these categories and therefore these clauses are not relevant to the proposed development.

3. Fisheries Management Act 1994

The FM Act contains provisions for the protection of fish habitat and threatened species. The proposed works:

- Will not impact on a waterway mapped as ‘Key Fish Habitat’ or a waterway that contains a threatened species record.
- Will not harm marine vegetation.
- Will not require, dredging of the bed and land reclamation of a Key Fish Habitat Creek.

Therefore, no further assessment or approvals relating to the FM are required.

4. Commonwealth Strategic Assessment (EPBC Act)

On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regard to their impact on the following Matters of National Environmental Significance:

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Listed threatened species and communities
- Listed migratory species

These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the EPBC Act. Provided that development activity proceeds in accordance with the Growth Centres requirements (such as the Biodiversity Certification Order, the Growth Centres SEPP and DCPs, Growth Centres Development Code etc.) there is no requirement to assess the impact of development activities on Matters of National Environmental Significance within the Growth Centres and no requirement for referral of activities to the Commonwealth Department of Environment.

The site is therefore exempt from further assessment of threatened species and endangered ecological communities listed under the NSW TSC or Commonwealth EPBC Act.

Should you have any questions on any of the matters above, please contact me on (02) 9259 3781.

Regards,



Roshan Kalugalage
Environmental Consultant



Figure 1: Location of the future Edmondson Park School



Figure 2: Biodiversity Certified land in relation to the study area

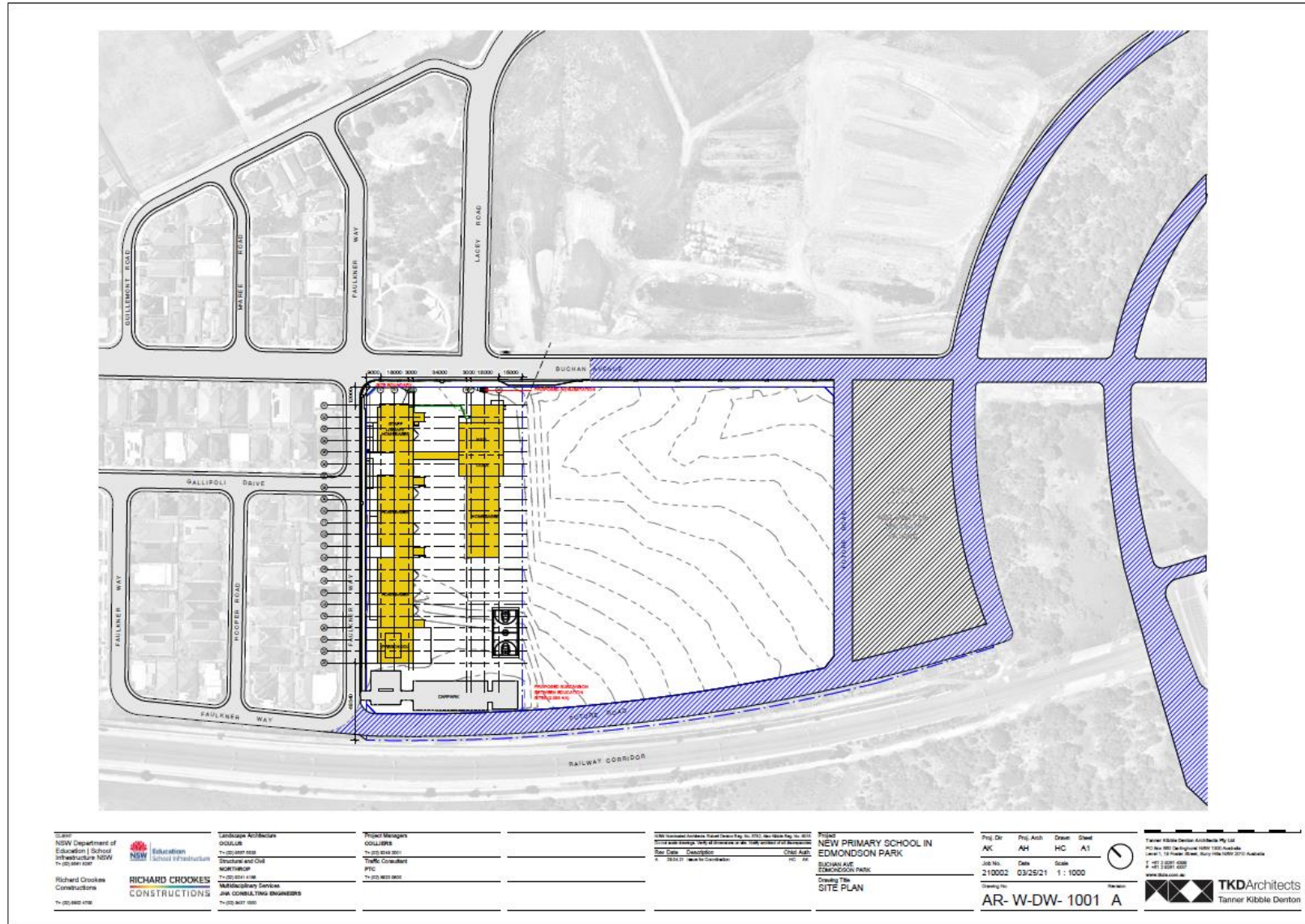


Figure 3: Prospective Site Layout (TKD Architects, 2021)

5. References

NSW Government (2007). Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. [Order to confer biodiversity certification on the State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 \(nsw.gov.au\)](https://www.nsw.gov.au/land-use-planning-and-development/state-environmental-planning-policy/sydney-region-growth-centres-2006)

TKD Architects (2021). New Primary School in Edmondson Park – Site Plan. Prepared for Schools Infrastructure NSW

Schools Infrastructure NSW (2020). New Primary School at Edmondson Park. Buchan Avenue, Edmondson Park Lots 1 and 2, DP1257105 -Request for Secretary's Environmental Assessment Requirement (SEARs).