

Schools Infrastructure NSW

C/o: Mark Lucas

GHD

Level 15, 133 Castlereagh Street Sydney

Our ref: 19SYD-13574

Re: Biodiversity Assessment - Marsden Park New School

Dear Mark,

Eco Logical Australia were engaged by GHD to provide a biodiversity assessment of the proposed Marsden Park New School. The proponent is Schools Infrastructure NSW.

This biodiversity assessment accompanies an Environmental Impact Statement (EIS) in support of State Significant Development Application (SSD-9809) for the Marsden Park New Primary School at the corner of Northbourne Drive (to the east) and a proposed future road (to the north) within the Elara Estate, Marsden Park. The assessment responds to the following Secretary's Environmental Assessment Requirements for SSD-9809.

SEARs Item	Requirement	Report Reference
Biodiversity Assessment	Engage a Suitably Qualified person to assess and document the flora and fauna impacts related to the proposal	2
	Detail the native vegetation community (or communities) that occurs, or once occurred on the site, with a list of local provenance species (trees, shrubs and groundcovers) to be used for landscaping	4
	Specify landscaping using a diversity of local provenance species (trees, shrubs and groundcovers) from the native vegetation community (or communities) that occur, or once occurred on the site.	Appendix A

1. Proposed development

The site is described as Lot 2889 in Deposited Plan 1230906. The development footprint does not include a portion of the site to the west as this is reserved for a future alternative use.

The Marsden Park New Primary School will cater for 1,000 primary school students at completion. The proposal seeks consent for:

- Construction Stage 1 (Temporary School): a temporary school facility constructed within the western portion of the development site located on the future sports grounds. This temporary school facility is to accommodate a maximum of 500 students at any given time. Should the permanent school progress as per the program, the temporary school will not be required.
- Construction Stage 2 (Construction of Permanent School Facility): a permanent consolidated two storey courtyard building with capacity to accommodate a maximum of 1,000 students. This new school building is to comprise
 - 40 teaching spaces;
 - A canteen;
 - Library;
 - Multipurpose hall;
 - Office and administration space;
 - Staff and student amenities; and
 - Out of school hours care accommodation.
- Multi-purpose sporting facilities and outdoor play spaces;
- Associated site landscaping and public domain improvements;
- An on-site car park for 48 parking spaces and a drop-off and pick-up area; and
- Construction of ancillary infrastructure and utilities as required.

The purpose of this Bio Certification Letter is to assess the biodiversity values of the site which is proposed for development outlined above.

2. Biodiversity Certification

Eco Logical Australia has undertaken a review of the proposed development at the corner of Northbourne Drive (east) and a proposed future road (north) within the Elara Estate, Marsden Park and 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 1).

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’.

Therefore, no further assessment of impacts to threatened species, populations or ecological communities is required under the NSW Biodiversity Conservation Act 2016.

3. Sydney Region Growth Centres SEPP 2006

The Sydney Region Growth Centres SEPP Appendix 5 Marsden Park Industrial Precinct Plan 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.

4. Previous Vegetation Community Occurrence

This section describes the vegetation communities that previously existed on site as required by the SEARs.

Previous aerial photography of the subject site (eg: Google Earth 2005) has indicated that the site has been cleared and used for agriculture (Figure 2). The vegetation community Shale Gravel Transition Forest in the Sydney Basin Bioregion occurs as a small patch to the northwest of the study area (Figure 3). This community is known to be associated with the Plant Community Type (PCT) 724: *Broad-leaved Ironbark – Grey Box – Melaleuca decors grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion*. Shale Gravel Transition Forest in the Sydney Basin bioregion is listed as an Endangered Ecological Community (EEC) under the BC Act 2016 and critically endangered under the EPBC Act 1999. As the site is located on clayey soils associated with the Berkshire Park soil landscape (Figure 3), it is likely that this ecological community would have been present within the study area pre-disturbance. As such, a list of local provenance species has been provided to inform the landscaping decisions of the project based upon this assumption (Appendix A).

5. 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.

6. 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 this matter, please contact me on (02) 9259 3745.

Regards,



Roshan Kalugalage



Figure 1 Location of the site in relation to biodiversity certified lands

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Figure 2 Historic imagery of the subject site indicating previous land use (Google Maps 2005)



Figure 3 Soil landscapes and Vegetation Communities in relation to the study area

Appendix A Local Provenance Species

A list of local provenance species has been provided below based on the likelihood that previous vegetation within the area would have consisted of Shale Gravel Transition Forest in the Sydney Basin Bioregion. The following species would be suitable for landscaping works:

Tree Species (>6m)

- *Eucalyptus crebra* - Narrow-leaved Ironbark
- *Eucalyptus eugenioides* - Thin-leaved Stringybark
- *Eucalyptus fibrosa* – Red ironbark
- *Eucalyptus moluccana* - Grey Box
- *Eucalyptus tereticornis* - Forest Red Gum +
- *Melaleuca decora* – White Feather Honeymyrtle

Small Trees/ Shrub Species (1.5 – 6m)

- *Acacia falcata*
- *Acacia pubescens* – Downy Wattle
- *Acacia parramattensis* - Parramatta Wattle
- *Bursaria spinosa* - Blackthorn
- *Daviesia ulicifolia* - Gorse Bitter Pea
- *Dillwynia sieberi*
- *Dodonaea viscosa subsp. cuneata* - Wedge-leaf Hop-bush
- *Indigofera australis* - Australian Indigo
- *Olearia microphylla* - Small-leaved Daisy bush

Groundcover Species

- *Asperula conferta* - Woodruff
- *Brunoniella australis* - Blue Trumpet
- *Centella asiatica* - Indian Pennywort
- *Clematis glycinoides* - Old Man's Beard
- *Commelina cyanea* - Creeping Christian
- *Desmodium varians* - Slender Tick-trefoil
- *Dianella longifolia* - Blueberry Lily
- *Dianella revoluta var. revolute* – Blue-flax lily
- *Dichelachne micrantha* – Short-hair Plume Grass
- *Dichondra repens* - Kidney Weed
- *Entolasia stricta* – Wiry Panic
- *Euchiton sphaericus* – Star Cudweed
- *Geranium solanderi* - Native Geranium
- *Glycine clandestinnea* - Twining Glycine

- *Glycine microphylla* - Small-leaf Glycine
- *Goodenia hederacea* subsp. *hederacea* – Ivy Goodenia
- *Hardenbergia violacea* - Purple Coral Pea
- *Hydrocotyle peduncularis* – Pennywort
- *Lepidosperma laterale*
- *Lissanthe strigose* – Peach Heath
- *Lomandra filiformes*
- *Lomandra multiflora* subsp. *Multiflora*
- *Microlaena stipoides* var. *stipoides* – Weeping Grass
- *Opercularia diphylla*
- *Plectranthus parviflorus* - Cockspur Flower
- *Pomax umbellata*
- *Poranthera microphylla* – Small Poranthera
- *Pratia purpuascens* – White Root
- *Pultenaea microphylla*
- *Themeda australis* - Kangaroo Grass
- *Tricoryne elatior* – Yellow Autumn-Lily
- *Wahlenbergia gracilis* – Australian Bluebell
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