



## Office of Environment & Heritage

DOC17/163368  
SSD 7787 & DA647/2017/HA

Mr David Gibson  
Team Leader Social Infrastructure Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Michelle Niles

Dear Mr Gibson

### **Kellyville South Public School - 21 and 23 Fairway Drive, Kellyville**

I refer to your letter received 10 March 2017 by the Office of Environment and Heritage (OEH) requesting comments on the proposed Kellyville South Public School at 21 and 23 Fairway Drive, Kellyville (SSD 7787).

OEH's letter dated 28 July 2016, in response to the request for Secretary's Environmental Assessment Requirements for the above development raised concerns that the biodiversity impacts of the proposal would not be adequately addressed as a result of the proposed two-part development assessment process. OEH also raised concerns regarding the precedent set by this two-part process. OEH remains of the view that as a major project, the biodiversity impacts need to be assessed in accordance with the government's Biodiversity Offsets Policy for Major Projects and the Framework for Biodiversity Assessment (FBA) applied.

OEH notes that the Department of Education (DoE) lodged a development application with The Hills Shire Council on 21 October 2016 for an Early Works DA – Kellyville South Public School (DA/647/2017/HA). DA/647/2017/HA involves the clearing of the site and other site preparation works in anticipation of the construction of the school proposed under SSD 7787.

A preliminary review of the documentation relating to the proposal indicates that the biodiversity offsets proposed under DA/647/2017/HA are less than those that would be required if the impacts were addressed as part of SSD 7787. The 12 ecosystem credits proposed for *Grey Box – Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion* (PCT 850; HN529) is significantly less than the 20 which would be required under the FBA according to Ecoplanning (20 October 2016).

OEH considers that Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the Department to consider all environmental impacts of SSD 7787, including the clearing of the Cumberland Plain Woodland Critically Endangered Ecological Community which is the subject of DA/647/2017/HA. It is not possible to artificially compartmentalise the construction of the school from

the vegetation clearing associated with it. In this regard, OEH draws your attention to *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2011] NSWCA 349.

OEH considers that a meeting between OEH, DPE and DoE would be beneficial to further discuss Kellyville South Public School. If you or your staff have any further questions or would like to meet on this matter, please contact me on 9995 6864 or at [susan.harrison@environment.nsw.gov.au](mailto:susan.harrison@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 02/03/17*

**SUSAN HARRISON**  
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**Regional Operations**

cc. The Hills Shire Council