NSW GOVERNMENT | Office of Environment & Heritage

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SSD-9210

Mr Andrew Beattie
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Scott Hay

Dear Mr Beattie Andrew

Saints Peter and Paul Christian Primary School – Stage 1 – 17-19 Kosovich Place, Cecil Park (SSD-9210) – Environmental Impact Statement

Thank you for your letter of 5 November 2018 received by the Office of Environment and Heritage (OEH) requesting comments on the Environmental Impact Statement (EIS) for the above State Significant Development.

OEH appreciates the Department providing it with an extension in which to provide its comments.

OEH has reviewed the relevant documents and provides recommendations and comment in Attachment A.

If you have any queries regarding this matter, please contact Janne Grose on 8837 6017 or janne.grose@environment.nsw.gov.au

Yours sincerely

S. Harrison 06/12/18

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Attachment A

Saints Peter and Paul Christian Primary School – Stage 1 – 17-19 Kosovich Place, Cecil Park (SSD-9210) – Environmental Impact Statement

Office of Environment and Heritage (OEH) has reviewed the following documents:

- Environmental Impact Statement – October 2018
- Biodiversity Assessment (BA) - October 2018
- Biodiversity Supporting Statement (BSS) – 20 September 2018
- Riparian Zone Management Assessment – August 2018
- Riparian Vegetation Management Plan - September 2018
- Landscape Concept Design -28 August 2018
- Bushfire protection Assessment - 5 September 2018
- Preliminary Construction Environmental Management Plan - October 2018
- Aboriginal Cultural Heritage Assessment (ACHA) – October 2018
- Flood Management Assessment – October 2018
- Independent Review of Flood Risk Assessment – 28 September 2018

and provides the following comments.

Aboriginal Cultural Heritage

Recommendation (3) in ACHA recommends notifying OEH, the local police and the appropriate LALC if human remains are discovered during construction (section 9, page 40). If human remains are found all work must cease, the site secured, and the NSW Police and the NSW Coroner's Office should be notified. If the remains are found to be Aboriginal, OEH and the LALC should only then be contacted to assist in determining appropriate management. It is recommended a condition of consent is included to this effect.

If the project is approved, OEH recommends Recommendations (4) and (5) from the ACHA are included as conditions of consent.

Conditions of consent should also be included if an Aboriginal object (or suspected object) is discovered during construction; and also, for on-site employees and/or contractors to be made aware of the statutory obligations that apply to the discovery of Aboriginal objects (see recommended conditions of consent below).

Biodiversity

Section 4.6 of the EIS requests that the requirement for a Biodiversity Development Assessment Report (BDAR) is waived on behalf of the proponent (page 40). OEH has reviewed the BDAR waiver request and will provide a separate submission to the Department in relation to this.

Riparian Corridor

The EIS notes riparian planting is proposed along the un-named tributary of Ropes Creek on the western boundary of the site. It proposes to plant locally occurring native species characteristic of River-Flat Eucalypt Forest (RFEF) along the riparian corridor (woodland area) and to plant the existing dam area with species characteristic of Freshwater Wetlands that adjoin RFEF to restore habitat values (page 89). OEH supports the rehabilitation of the riparian corridor and dam area with a diversity of locally occurring native tree, shrub and groundcover species from the relevant native vegetation community.

The VMP lists some locally occurring native species of tree, shrub and groundcovers to be used in the revegetation and it notes the list could be expanded to include further species from the RFEF. In terms of improving plant diversity OEH recommends the plant list is expanded and the VMP is amended accordingly.

The VMP indicates the "*specific location and densities would be subject to future detailed design*" (section 4.5.2). This information needs to be provided and it is recommended the VMP is amended to include this detail.

The EIS notes there are no mature native trees within the proposed development area (page 86) but it is not clear if any juvenile native tree or shrub species occur in this area. If juvenile native plants are present and they are proposed to be removed, it is recommended they are relocated to the riparian corridor.

Riparian Corridor Width

OEH notes the width of the riparian corridor is proposed to be consistent with the DOI Water (2012) guidelines. If there is any opportunity to widen the rehabilitated riparian corridor width along the creek on the site, OEH encourages this, particularly as the watercourse links to the Western Sydney Parklands to the south of the site and to Ropes Creek to the north. The OEH (2011) *Conservation Management Notes - Wildlife on your property - Corridors and Connectivity* looks at how corridors might be used to maximise the wildlife habitat value of a fragmented landscape. It indicates the wider the corridor the better. This is because wider corridors are more resilient to edge effects and provide greater habitat value. A copy of the OEH Conservation Management Note can be found at the following link:
https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Conservation-management-notes/corridors-connectivity-conservation-management-notes-110657.pdf

The Riparian Zone Management Assessment recommends undertaking a site survey to accurately identify the location of the watercourse, the riparian corridor and the top of bank (page 10). OEH notes the NSW Department of Industry controlled activities guidelines require the width of the vegetated riparian zone to be measured from 'the top of the highest bank'. It is suggested the site survey identifies 'the top of the highest bank' as per the Department of Industry controlled activities guidelines:
https://www.industry.nsw.gov.au/__data/assets/pdf_file/0004/156865/NRAR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf

Monitoring and Maintenance

The VMP notes there will be a 3-year monitoring and maintenance period for plantings and weed control works (section 4.7). It is recommended the maintenance of weeds continues in perpetuity. Ongoing management and maintenance of the riparian corridor is a great educational resource for the school.

Site Landscaping

The proposed Tree Planting Plan indicates trees to be planted across the site include exotic species such as:

- Bull-bay Magnolia *(Magnolia grandiflora 'Exmouth')* which is native to the southeastern United States.
- Chinese Golden Raintree (Koelreutaria bipinnata) which is native to southern China.
- Japanese Zelkova *(Zelkova serrata)* 'Green Vase' which is native to native to Japan, Korea, eastern China and Taiwan.

and Australian natives which are not local native species such as:

- Brush Box *(Lophostemon confertus)* which is a rainforest tree, native to the north eastern parts of Australia.
- Weeping Lilly Pilly (*Waterhousea floribunda)* which is a rainforest tree of eastern Australia and grows along streams from near Dungog in NSW to Mackay in central eastern Queensland.

OEH recommends rather than use exotic species or non-local native species that the landscaping uses a diversity of native provenance trees, shrubs and groundcovers from the relevant local native vegetation community (or communities) that once occurred on site to improve biodiversity. There are numerous benefits and educational value in the rehabilitating the riparian corridor and landscaping the remainder of the school site with a diversity of local native plants including:

- preservation of the biodiversity values of the local area

- provision of the most suitable food and habitat for local native fauna including nectar for pollinators (moths, butterflies, bees etc) which provide a food source for local native birds
- a stepping stone for more mobile native fauna to move across the landscape, and
- once established local provenance vegetation would require less maintenance/watering than exotic plants. The use of local native vegetation also has added benefits in reducing the need for fertiliser application which reduces fertiliser laden runoff entering the local waterways and will assist to improve instream health, water quality, reduce algal blooms etc.

The EIS proposes to over seed the peripheral fields with native grass species or hardy low water use grasses, rather than use imported species (see Section 6.5, page 85) but this has not been included in the Specific Environmental Commitments for Flora, Fauna and Riparian Ecosystems (see page 129). OEH's preference is for the fields to be seeded with local native grass species from the relevant local native vegetation community (or communities) that once occurred on site. It is recommended the Environmental Commitments for Flora, Fauna and Riparian Ecosystems is amended to include this.

As there are no mature native trees within the proposed development area, OEH recommends advanced and established local native tree species are planted to improve habitat. A minimum tree height of 2-2.5 metres and /or plant container pot size of 50-75 litres or greater is preferable.

Habitat Improvement

The EIS includes an Environmental Commitment (37) to relocate existing logs prior to the commencement of earth works/ clearing/ construction (page 129). This commitment is in response to the EIS recommendation to relocate the logs within the development area to the riparian corridor (see page 87). The logs could also be relocated to other areas within the site that are to be landscaped to enhance habitat. OEH recommends Environmental Commitment 37 is amended to specifically require the relocation of the logs to the riparian corridor and/or to other landscaped areas on the site.

OEH recommends an additional commitment is included to install a range of artificial nest boxes which are suitable for native fauna likely to utilise the site, including the threatened microbat species recorded on site, such as the Eastern Freetail Bat. OEH suggests the nest boxes are monitored on an ongoing basis to determine if they are being used by native fauna. The installation of the nest boxes and the monitoring of them provides a great educational opportunity for the school. Should ongoing monitoring of the nest boxes find the nest boxes are being utilised by native fauna, consideration should be given to installing some additional nest-boxes.

Asset Protection Zone

The EIS indicates a 40m wide Asset Protection Zone (APZ) is required to be provided on the site measured from the riparian corridor and from the site's southern boundary which adjoins the Western Sydney Parklands. It is noted the whole of the school site (excepting the riparian corridor) shall be maintained to comply as an Inner APZ (page 115).

OEH agrees the APZ requirements for the development need to be provided on the site and for the purpose of defining the required APZ along the Western Sydney Parklands boundary, the Parklands should be treated as 'woodland' on the basis that while it is currently unmanaged grassland it will restore itself to Cumberland Plain Woodland (see page 123 of EIS).

Recommended Conditions of Consent

If the development is approved OEH recommends the following are included as conditions of consent:

Aboriginal Cultural Heritage

1) On-site employees or contractors involved in ground surface disturbance must be made aware of the statutory obligations that apply to the discovery of Aboriginal objects prior to the commencement of any works.

2) If an Aboriginal object (or a suspected object) is discovered during construction, works must cease in the vicinity of the find and a fully qualified archaeologist must inspect the site to assess the object. If it is confirmed that it is an Aboriginal object and further material or in situ deposit could be present an appropriate management strategy should be prepared. This can include conservation in situ or salvage excavation if warranted. The management strategy must be designed in consultation with the Registered Aboriginal Parties. If the item is found to not be an Aboriginal object, works may continue.

3) If human remains are found all work must cease, the site must be secured, and the NSW Police and the NSW Coroner's Office must be notified. If the remains are found to be Aboriginal, OEH and the Local Aboriginal Land Council must be contacted to assist in determining appropriate management.

4) Further archaeological assessment is required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the Registered Aboriginal Parties for the project and may include further field survey.

5) Continued consultation with the Registered Aboriginal Parties for the project must be undertaken if there are any major changes in project design or scope, further investigations or finds.

Landscaping and habitat improvement

1) The Vegetation Management Plan is amended to include:
   - details on the location, plant species and densities to be planted in the riparian corridor
   - an expanded list of locally occurring native tree, shrub and groundcover species characteristic of River-Flat Eucalypt Forest to be used in the revegetation.

2) The site landscaping shall use a diversity of local provenance species (trees, shrubs and groundcovers) from the native vegetation community (or communities) that once occurred on the site to improve biodiversity (rather than use exotic plant species or non-endemic native species). The Landscape Plan shall include details on:
   - the native vegetation community (or communities) that once occurred on the site
   - a list of local provenance tree, shrub and groundcovers to be used in the landscaping, the quantity and location
   - the pot size of the local native trees to be planted
   - the relocation of any existing juvenile native tree or shrub species that occur within the development footprint to the riparian corridor
   - the relocation of the existing logs that occur in development footprint to the riparian corridor
   - the over seeding the peripheral fields with local native grass species.

3) Tree planting at the shall use advanced and established local native trees preferably with a minimum plant container pot size of 50-75 litres, or greater.

4) A range of artificial nest boxes shall be installed which are suitable for native fauna likely to utilise the site including the threatened microbat species recorded on site.

(END OF SUBMISSION)