
Cronulla High School – 31 Bate Bay Road, Greenhills Beach

Statement of Environmental Effects for
Development Application



13 February 2023

FINAL

We create amazing places

At SJB we believe that the future of the city is in generating a rich urban experience through the delivery of density and activity, facilitated by land uses, at various scales, designed for everyone.

REF: #9120B

Ver	Description	Date	Prepared By	Checked By
1	Draft	04 November 2022	JW	
2	Draft	03 February 2023	JW	JM
3	Final	13 February 2023	JW	JM

Level 2, 490 Crown Street
Surry Hills NSW 2010
Gadigal Country

T 61 2 9380 9911
E planning@sjb.com.au
W sjb.com.au

SJB Planning (NSW) Pty Ltd
ABN 47 927 618 527
ACN 112 509 501

Contents

Executive Summary	5
1. Introduction	6
1.1 Overview	6
1.2 Scope and Format of the Statement of Environmental Effects	6
1.3 Supporting Plans and Documentation	6
2. Site Description and Context	8
2.1 Site Description	8
2.2 Surrounding Development	9
2.3 Existing Development on the Site	9
2.4 Background	12
3. Proposed Development	13
3.1 Development Description	13
3.2 Replacement Tree Planting	14
3.3 Background	14
4. Statutory Assessment	19
4.1 Section 4.15	19
4.2 Overview of Statutory and Policy Controls	19
4.3 Biodiversity Conservation Act 2016	20
4.4 State Environmental Planning Policy (Resilience and Hazards) 2021	21
4.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021	22
4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021	22
4.7 Sutherland Shire Local Environmental Plan (SSLEP) 2015	23
4.8 Sutherland Shire Development Control Plan (SSDCP) 2015	24
5. Impacts of the Development	26
5.1 Construction Impacts	26
5.2 Amenity Impacts on Neighbouring Properties	26
5.3 Social Impacts and Economic Impacts	26
5.4 The Suitability of the Site for the Development	26
5.5 Consultation and Submissions	26
5.6 The Public Interest	26
6. Conclusion	27
7. Attachments	28

List of Figures

Figure 1: Aerial view of the subject site (Source: Near Map)

Figure 2: Site location (Source: Google Maps)

Figure 3: Existing layout of Cronulla High School (Source: Fulton Trotter Architects)

Figure 4: Existing main vehicular entry and car park, viewed to west

Figure 5: Existing outdoor seating area between Building A and demountable classrooms, viewed to north west

Figure 6: Existing outdoor seating area between Building A and demountable classrooms, viewed to south east

Figure 7: Existing outdoor seating area between Building E and site boundary, viewed to south west

Figure 8: Demolition plan, showing trees to be removed

Figure 9: Proposed site plan

Figure 10: Extract of Coastal Wetlands and Proximity Area for Coastal Wetlands map

Figure 11: Extract of Coastal Environment Area map

Figure 12: Extract of Coastal Use Area map

Figure 13: Extract of SSLEP 2015 Land Zoning Map

Figure 14: Extract from SSLEP 2015 Heritage Map

Figure 15: Extract from SSLEP 2015 Heritage Map

List of Tables

Table 1: Plans and documents prepared to accompany this statement

Table 2: Overview of response to Council's comments regarding

List of Attachments

- Attachment 1: Survey Plan prepared by Land Partners
- Attachment 2: Demolition Plan and Site Plan prepared by Fulton Trotter Architects
- Attachment 3: Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology
- Attachment 4: Landscape Plan prepared by Taylor Brammer Landscape Architects
- Attachment 5: Flora and Fauna Assessment prepared by Ecoplanning

Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) made to Sutherland Shire Council ('the Council') under Part 4 of *the Environmental Planning and Assessment (EP&A) Act 1979*.

The DA seeks consent to remove 10 existing trees at Cronulla High School, located at 31 Bate Bay Road, Greenhills Beach ('the site').

The DA forms part of a larger upgrade of Cronulla High School (CHS) that is being undertaken by School Infrastructure NSW (SINSW). The project seeks to replace existing demountable structures with permanent buildings, accommodating new fit for purpose learning spaces. The majority of works, including demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park, are being pursued as 'development without consent' under Part 5 of the *EP&A Act 1979*.

The DA and this SEE have been prepared in accordance with the *EP&A Act 1979* and the Environmental Planning and Assessment (EP&A) Regulation 2021.

This SEE addresses the relevant heads of consideration listed under Section 4.15(1) of *the EP&A Act 1979* and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIS) and other planning controls applicable to the site and to the proposal.

The key planning controls are included within:

- Sutherland Shire Local Environmental Plan (SSLEP) 2015; and
- Sutherland Shire Development Control Plan (SSDCP) 2015.

The proposed development is permissible with consent in the SP2 Infrastructure (Educational Establishment) zone under SSLEP 2015 and is consistent with the broad objectives of the zone.

This Statement demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

The landscape quality and amenity of the site, as well as the wider locality, will be maintained and enhanced by way of the proposed replacement tree planting.

The proposed tree removal is an integral part of a larger upgrade of Cronulla High School that is being progressively undertaken by SINSW. The upgrade works will improve the learning and teaching experience for students and staff, while enhancing the appearance of the school.

Based on the assessment undertaken, approval of the DA is sought.

1. Introduction

1.1 Overview

This SEE has been prepared in support of a DA for consent to remove 10 existing trees at Cronulla High School, located at 31 Bate Bay Road, Greenhills Beach ('the site').

The DA forms part of a larger upgrade of Cronulla High School that is being undertaken by School Infrastructure NSW (SINSW). The project seeks to replace existing demountable structures with permanent buildings, accommodating new fit for purpose learning spaces. The majority of works, including demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park, are being pursued as 'development without consent' under Part 5 of the *EP&A Act 1979*.

1.2 Scope and Format of the Statement of Environmental Effects

This Statement has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This Statement has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are included as Attachments to this statement and are identified in Table 1 below.

Document Name	Prepared by
Survey Plan	Land Partners
Demolition Plan and Site Plan	Fulton Trotter Architects
Arboricultural Impact Assessment	Travers Bushfire and Ecology

Landscape Plan

Taylor Brammer Landscape Architects

Flora and Fauna Assessment

Ecoplanning

Table 1: Plans and documents prepared to accompany this statement

2. Site Description and Context

2.1 Site Description

Cronulla High School (CHS) is located at 31 Bate Bay Road, Greenhills Beach. The site is located within the Sutherland Shire Council Local Government Area (LGA) and is legally described as Lot 1 in DP 815804. The land is owned by the Department of Education.

The school campus buildings are located within the south-western portion of the site. The north-eastern part of the site comprises the playing fields which are occupied by the Cronulla Caringbah Sharks Junior Rugby League Football Club (JRLFC) under a licence agreement; and are used by the school on a day-to-day basis.

The location of the site is shown in Figures 1 and 2.



Figure 1: Aerial view of the subject site (Source: Near Map)

The school site is irregular in shape and has a total area of approximately 6 hectares. The site has a 298m (approx.) frontage to Captain Cook Drive, 60m (approx.) frontage to Elouera Road, and 61m (approx.) frontage to Bate Bay Road.

The topography of the site is relatively flat with a slight slope from the south to the north (i.e. towards Woolloomare Bay). There is an embankment to the north western site boundary (i.e. along Captain Cook Drive) where the ground level drops from approximately RL 4.9 to RL 2.3.

A survey plan of the site is included at Attachment 1.

The site is affected by an easement for Sydney Water assets (i.e. water supply and sewerage). The easement runs along the north western site boundary (i.e. parallel to Captain Cook Drive).



Figure 2: Site location (Source: Google Maps)

2.2 Surrounding Development

Development to the south of the school, on the opposite side of Bate Bay Road, comprises detached dwellings of one (1) to two (2) storeys in height. Elouera Beach and Wanda Beach are located further to the south east of the school.

To the north of the site, and surrounded by nature reserves, is the Cronulla Wastewater Treatment Plant.

The school site directly adjoins low density residential dwellings to the east. These dwellings are of a contemporary architectural style and form part of the recently developed ‘Shearwater Landing’ Estate.

Dense bushland, which forms part of Towra Point Reserve, is located to the west of the school, on the opposite side of Captain Cook Drive and adjoining Woollooware Bay. Cronulla Golf Club is located to the south west of the school site, on the opposite side of Elouera Road.

2.3 Existing Development on the Site

CHS currently comprises eight (8) permanent buildings, one (1) modular classroom, 22 demountable classrooms, on-site car parking, various open space/play areas, sports ovals, and tennis courts. The sports ovals are shared between the school and Cronulla Caringbah Sharks JRLFC. An at-grade car park and clubhouse building associated with the JRLFC are located within the north-eastern portion of the site.

The subject site includes significant vegetation and tree planting throughout the school, including a densely planted tree corridor along the north western site boundary (i.e. parallel to Captain Cook Drive).

Vehicular access is provided to the site via Elouera Road and pedestrian access is provided via Bate Bay Road. A secondary vehicle access is provided via Bate Bay Road, towards the eastern site boundary.

There are two (2) parking areas located on the site, as well as a bus zone adjoining Bate Bay Road. CHS is serviced by both public and school bus services.

The school has an existing student population of approximately 1,309 students.

The school starts at 8:45am and finishes at 2:20pm (Tuesday); 2:30pm (Thursday); 3:10pm (Monday, Wednesday, Friday).

The current layout of the school is shown in Figure 3.

Photographs of the areas where trees are proposed to be removed are provided in Figures 4 to 7.

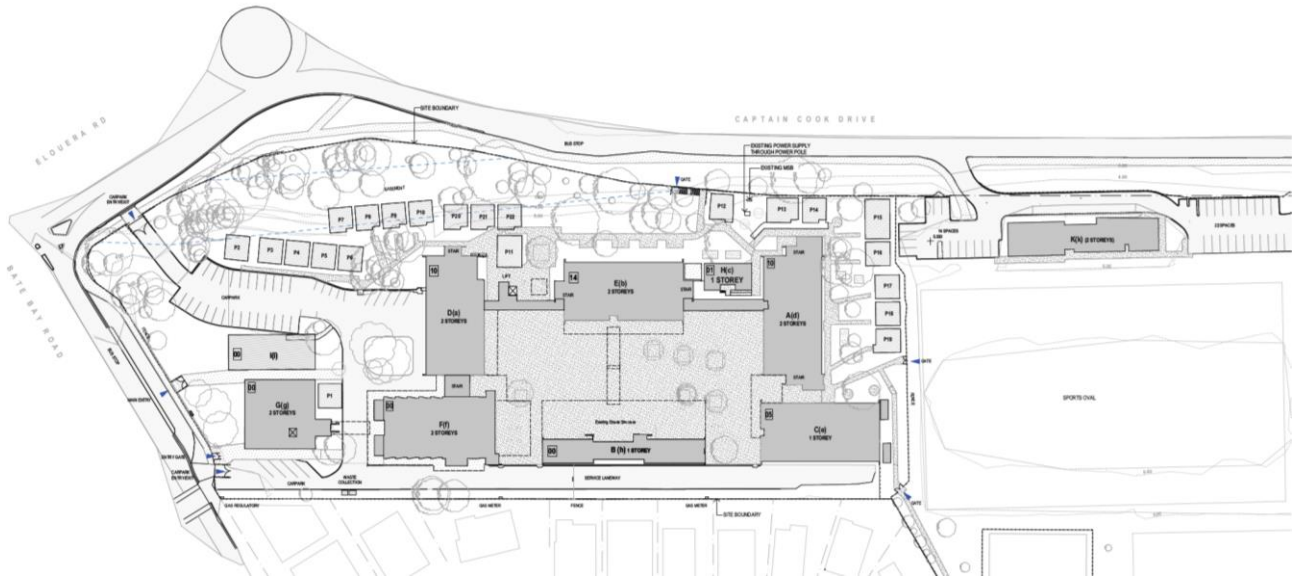


Figure 3: Existing layout of Cronulla High School (Source: Fulton Trotter Architects)



Figure 4: Existing main vehicular entry and car park, viewed to west



Figure 5: Existing outdoor seating area between Building A and demountable classrooms, viewed to north west



Figure 6: Existing outdoor seating area between Building A and demountable classrooms, viewed to south east



Figure 7: Existing outdoor seating area between Building E and site boundary, viewed to south west

2.4 Background

The subject DA forms part of a larger upgrade of Cronulla High School that is being undertaken by SINSW. The upgrade seeks to replace existing demountable structures with permanent buildings, accommodating new fit for purpose learning spaces.

The majority of works, including demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park, are being pursued in accordance with clause 3.37 of *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021*, which allows for certain development to be carried out by or on behalf of a public authority as ‘development without consent’ under Part 5 of the *EP&A Act 1979*. The upgrade necessitates the removal of trees which requires separate approval from Council.

Prior to undertaking ‘development permitted without consent’ a Review of Environmental Factors (REF) must be prepared and assessed in accordance with Part 5 of the *EP&A Act 1979*. The REF has been prepared and was notified on 04 November 2022. Sutherland Shire Council provided comments on the REF, including comments regarding the identified tree removal. As outlined in Section 3.3 of this Statement, in response to Council’s feedback to the REF, the number of trees proposed to be removed has been reduced.

It is noted that the approval for tree removal (i.e. works subject of this DA) must be obtained prior to the determining of the REF.

3. Proposed Development

3.1 Development Description

The DA seeks consent for the removal of 10 existing trees at Cronulla High School.

The trees proposed for removal are identified in the Demolition Site Plan prepared by Fulton Trotter Architects (refer Attachment 2 and extract at Figure 8) and are detailed in the Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology (refer Attachment 3).

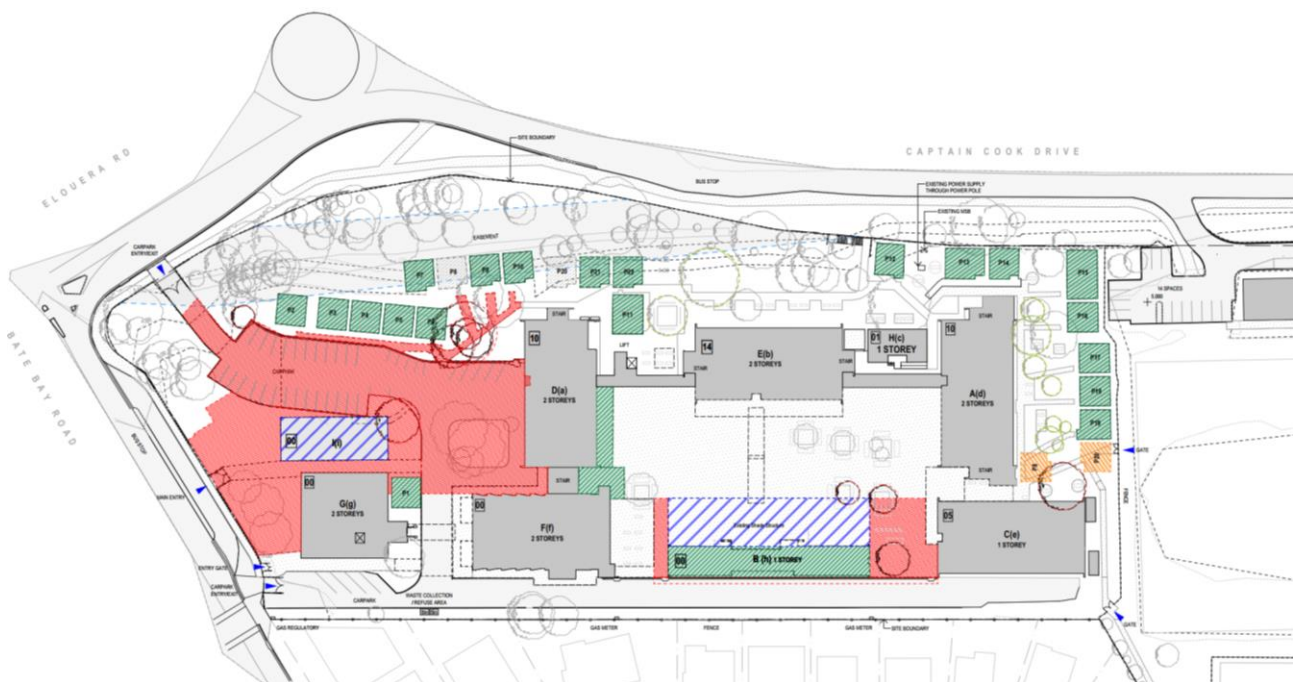


Figure 8: Demolition plan, showing trees to be removed (Source: Fulton Trotter Architects)

As previously noted, the tree removal is necessitated by the proposed upgrade of Cronulla High School that is being undertaken by SINSW. These works, including demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park, are being pursued as 'development without consent' under Part 5 of the EP&A Act 1979.

The trees are required to be removed to accommodate new permanent facilities in place of existing demountable classrooms. Trees also require removal to accommodate demountable classrooms within the eastern part of the school. These demountable classrooms will be used for the decanting of students, as other buildings are being demolished, to ensure the school remains operational during construction. An extract of the proposed site plan is provided at Figure 9 overleaf for reference.



Figure 9: Proposed site plan (Source: Fulton Trotter Architects)

3.2 Replacement Tree Planting

As detailed in the attached Landscape Plan prepared by Taylor Brammer Landscape Architects (refer Attachment 4), the proposal includes the planting of 48 replacement trees to offset the proposed tree removal and improve landscape quality and amenity of the site. The selected replacement tree species are endemic to the Sutherland Shire local government area (LGA).

3.3 Background

As abovementioned, the subject DA forms part of a larger upgrade of Cronulla High School that is being undertaken by SINSW. The majority of works, including demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park, are being pursued as ‘development without consent’ under Part 5 of the EP&A Act 1979.

In accordance with clause 3.38 of the Transport and Infrastructure SEPP, the Review of Environmental Factors (REF) was notified to Sutherland Shire Council on 04 November 2022 for consultation.

A response was received by way of a letter dated 30 November 2022. The matters raised by Council relating to tree removal have all been addressed within the documentation submitted with the DA and as part of this Statement, as outlined in the table below. This demonstrates the proposal is responsive to Council’s feedback as the number of trees to be removed has been substantially reduced from what was initially envisaged.

Council Comment	Response
<p><u>Landscaping and trees</u> Council notes that the Review of Environmental Factors indicates that the removal of 26 trees will be pursued separately via a separate application and will need to be approved prior to the proposed works being determined. Because the matter of tree</p>	<p>It is noted that in response to Council’s comments to the notification of the REF, the landscape scheme has been revised and provides for the removal of 10 trees only. This has been achieved by reviewing and refining staging and student decanting</p>

<p>impacts is relevant to the proposed works, comments have been provided below to assist in the development of the proposal.</p>	<p>during construction to reduce the number of temporary demountable classrooms required.</p>
<p>a) <u>Tree impact assessment</u> The proposal seeks to remove 26 trees in total, and, while the Arborist Report has accurately created a log of trees onsite, it has not conducted a Tree Impact Assessment assessing existing trees against potential impacts from the proposed works. The following is Council's assessment of the potential impacts on existing trees with recommendations provided to assist in minimising those impacts where they can be avoided. The recommendations below also relate to maintaining shading and amenity for students where possible as well as maintaining the tree buffer and canopy along Captain Cook Drive and Bate Bay Road.</p>	<p>The landscape scheme has been revised and seeks the removal of 10 trees only.</p>
<p>i. Removal of trees 77 – 85 in the northern part of the site to assist with the relocation of demountable buildings (...)</p> <p><i>Recommendation: Remove Tree 85 (Angophora floribunda) as it is overmature and displaying signs of decline to site the extra demountable classrooms. Approve selective pruning of Trees 81, 82, 83, 84, 86, 113 to site demountable classrooms as required and directed by the appointed Project Arborist.</i></p>	<p>Consistent with Council's recommendations, the revised scheme seeks to removed Tree T85 and retain Trees T77-T84 with the implementation of appropriate tree protection measures.</p> <p>Selective pruning is proposed to Trees T81-T84, T86, and T113, as required.</p>
<p>ii. The proposal seeks to remove Trees 65, 69 & 70 which are a part of a west facing stand of endemic trees to site the substation. Trees 65 & 69 have a SRZ of 2.7m and Tree 70 a SRZ of 1.8m as the trees sit elevated on an embankment. Council would expect their tension roots to be extending upslope and have more bulbous roots at the base on the western side. Council understands that the substation must be located outside of the 'flood area' hence why it is not proposed flush on the boundary.</p> <p><i>Recommendation: As the substation is proposed to be constructed on the western and low side of the trees' SRZ, Council believes they should be retained. Council does not anticipate that it will be likely that excavation for the substation will encounter woody, structural and tension roots as these are expected to be headed up slope. The trees will still have ample room for transpiration and the uptake of water and nutrients. Council</i></p>	<p>Consistent with Council's recommendations, the revised scheme seeks to retain Trees T65, T69 and T70 with the implementation of appropriate tree protection measures.</p> <p>The new substation, and associated tree removal, is being pursued via a separate approval pathway in accordance with clause 2.44 of the Transport and Infrastructure SEPP.</p> <p>As indicated in the attached Arboricultural Impact Assessment, Trees T65 and T70 may be removed under this separate approval pathway. Notwithstanding, efforts have been made to minimise impacts on trees from the new substation.</p>

recommends a root mapping exercise be undertaken to ensure these trees can be retained.

- iii. *The proposal seeks to remove Tree 72 (Eucalyptus microcorys) & Tree 73 (Arucaria heterophylla) due to the relocation of a demountable classroom.*

Consistent with Council's recommendations, the revised scheme seeks to retain Trees T72 and T73 with the implementation of appropriate tree protection measures.

Recommendation: Tree 72 is clear of the new modular classroom and no effects on the trees SRZ or TPZ can be expected as the modular classroom is expected to be supported on piers, however, pruning of the south extending leader is recommended to site the classroom. Tree 73 is a highly significant tree and should be retained. It exists within a contained garden bed and the modular classroom should be relocated further west to accommodate its retention. The piers on the western side of the classroom will need to be slightly higher as they will be set further down slope.

- iv. *The proposal seeks to remove T108 (Eucalyptus microcorys) and T109 (Melaleuca quinquenervia) both high value trees which should be retained. The demountable classrooms west of these trees are being removed as well as the concrete footpaths which intersect their TPZs. Works proposed around these trees are as follows, new Building L proposes a slab on ground with piers east of T108 and a newly aligned footpath. Note that existing building D remains unchanged.*

Consistent with Council's recommendations, the revised scheme seeks to retain Trees T108 and T109 with the implementation of appropriate tree protection measures.

Recommendation: As the changes around these trees are relatively minor, Council recommends they be retained. The new footpath can be constructed at or above NGLs and must be aligned outside the Structural Root Zones of both specimens. A fenced tree protection zone shall be erected around T108 and 109 for the duration of the works.

- v. *Trees 104-107 exist wholly within the development footprint and should be removed and tree replacement with a ratio of 4:1 planted on the site.*

The proposal maintains the removal of Trees T107-107. 48 replacement trees (4.8:1 ratio) will be provided to offset the proposed tree removal, as illustrated in the attached Landscape Plan.

- vi. *The new proposed car park has an extensive amount of cut and fill around its periphery and is*

Council's recommendation for a pier and beam solution is not a financially viable

realigned further to the west. The existing driveway alignment is being utilised, with revised levels within it. No trees are shown for removal. The cut and fill in the southwest corner of the proposed driveway will require the removal of T14 and T15 both endemic *Eucalyptus botryoides*. The 'Permanent Fill Embankment' located in the Northwest corner of the carpark will smother the TPZs of T24, T29, T33, T34.

option for the project and does not meet the functional requirements of the carpark. An alternative solution, comprising two (2) retaining walls, is proposed and provides for the protection and retention of Trees T15 and T24, T29, T33 and T34. The alignment of the retaining wall near Tree T14 it will cut through approximately 30% of the tree protection zone, hence the need for removal of Tree T14.

Recommendation: To retain T14 & T15, it is recommended that the filling around the perimeter of the carpark is removed from with the TPZ of both trees. The carpark should be built via pier a pier and beam solution in the northwest corner rather than filling to protect existing trees T24, T29, T33, T34. A balustrade should be utilised along the carpark edge which will remove the need for filling and battering. Filling and battering which requires tree removal should not be supported when a balustrade solution could be easily utilised. Sandstone block retaining walls laid at NGL could also be utilised along the carparks perimeter edge to reduce the height out of ground and potentially the need for a balustrade in some areas.

vii. *There is discrepancy between the Landscape and Architectural plans intention to retain high value endemic trees 110, 111, 112 Casuarina glauca. The new entry way to the school grounds off Bate Bay Rd is proposed to be cut by up to 800mm and is where these trees exist currently.*

Consistent with Council's recommendations, the revised scheme seeks to retain Trees T110-T112 with the implementation of appropriate tree protection measures.

Recommendation: These trees should be retained and incorporated into the new design in front of the library. It is recommended that the existing ground levels forward of Building G be retained to ensure retention of all 3 trees.

The attached Demolition Plan has been revised to reflect the proposed tree retention.

viii. *The proposal seeks to remove T103, a Norfolk Island Pine (...) It suffers a large incursion into the TPZ and clashes with proposed works on new Building L. Significant architectural redesign would be required to retain this tree conscious of it potentially becoming far larger.*

The proposal seeks to remove Tree T103. Due to the constrained location to accommodate new buildings on-site (i.e. Building L) and the functional requirements of the school, it cannot be retained.

ix. *The proposal seeks to remove T87, T88 and T114 all *Cupaniopsis anacardioides* 'Tuckeroo'. To retain T87 and T114 the proposal would require substantial architectural redesign, these trees are better replaced onsite.*

The proposal seeks to removes Trees T87, T88, and T114. Due to the constrained location to accommodate new buildings on-site (i.e. Building M) and the functional requirements of the school, they cannot be retained.

<p><i>Recommendation: T88 could likely be retained as it is only a juvenile specimen and would likely adapt to the changed conditions around it with the new development footprint, the garden bed proposed nearby could be extended to encompass it within.</i></p>	<p>The project arborist has confirmed that Tree T88 is multi-stemmed, and as such, has a large structural root zone. Although the tree is in good health, it has a poor form and is of low significance value. Tree T88 cannot be retained as it is located within new level works.</p>
<p>x. <i>Any new trenching or boring required as part of drainage works must be revised to occur outside of TPZs of trees to be retained. Where this is impossible the lines shall be hand dug under supervision of the Project Arborist.</i></p>	<p>Noted. Suitable mitigation measures will be imposed on the REF approval.</p>
<p>b) <u>Landscape concept</u> <i>“Council is generally supportive of the landscape concept, however, makes the following recommendations:</i> i. <i>Utilise the following tree species on the site to reinforce the existing natural landscape character of the site: Angophora floribunda, Eucalyptus botryoides, Eucalyptus robusta, Casuarina glauca, Cupaniopsis anacardioides, Banksia integrifolia, Guoia semiglauca, Ficus rubiginosa, Arucaria heterophylla, Arucaria columnaris.</i></p>	<p>The proposed landscape scheme comprises endemic species of the Kurnell Peninsula, including Eastern Suburbs Banksia Scrub and Coastal Sand Littoral Rainforest. These species were selected following consultation with members of the school and the local Aboriginal community.</p> <p>Angophoras and Eucalyptus species are not recommended for planting within school campuses due to limb drop.</p>
<p>ii. <i>Introduce shrub and ground cover planting around the western perimeter of the new car park in order to reduce the perceived height out of ground of the carpark.</i></p>	<p>Existing planting along the western site boundary is proposed to be retained. The streetscape presentation of the school will remain predominantly soft landscaped and additional planting is not required.</p>
<p>iii. <i>Introduce substantial canopy tree planting and seating beneath Ficus rubiginosa, Arucaria heterophylla, Arucaria columnaris within the entry way forecourt to provide shade, a sense of arrival and a focal point to gather before and after school as well as to break down the large expanse of paving. These trees could be installed in a strata cell structure within the paving or within large garden beds like elsewhere across the site.</i></p>	<p>The proposed landscape design includes the retention of existing mature native trees to the forecourt and entry area. The retention of these trees creates a sense of arrival and a focal point for students to gather before and after school.</p> <p>New shaded seating areas are proposed under the canopy of existing trees to support the functional requirements of the school whilst maintaining clear and safe pedestrian access.</p>
<p>iv. <i>Introduce tree planting to the eastern boundary where the school interfaces with the R2 zone to soften the view of the new 2 storey building when viewed from adjoining residential properties.</i></p>	<p>Introduction of tree planting to the eastern boundary is not considered necessary. Building M is set back approximately 12m from the boundary and will not give rise to any potential overlooking.</p>

Table 2: Overview of response to Council’s comments

4. Statutory Assessment

4.1 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matter for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vi) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 5 of this SEE.

4.2 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified below.

4.2.1 State Environmental Planning Policies

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021; and
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

4.2.2 Local Environmental Plans

- Sutherland Shire Local Environmental Plan (SSLEP) 2015.

4.2.3 Development Control Plans

- Sutherland Shire Development Control Plan (SSDCP) 2015.

4.3 Biodiversity Conservation Act 2016

The objectives of the Biodiversity Conservation (BC) Act 2016 are to provide for the conservation of threatened species, populations and ecological communities of animals and plants. The BC Act 2016 sets out a number of specific objects relating to the conservation of biological diversity and the promotion of ecologically sustainable development.

Section 7.3 of the BC Act 2016 requires a ‘Tests of Significance’ when considering the likely impact of any development on threatened species, populations or habitats listed under the BC Act 2016. Tests are to be undertaken in accordance with the NSW Office of Environment and Heritage’s (OEH’s) Threatened Species Test of Significance Guidelines.

A Flora and Fauna Assessment has been prepared by Ecoplanning (refer Attachment 5) and concludes:

- No threatened flora or fauna species or threatened ecological communities (TECs) listed under the BC Act were recorded or have been determined as likely to occur within the study area;
- A small portion of the study area was mapped by OEH (2018) as Plant Community Type (PCT) 772 Coast Banksia – Coast Wattle dune scrub of the Sydney Basin Bioregion and South-East Corner Bioregion. However, a field survey confirmed that the study area no longer conforms to any native vegetation community due to extensive historical clearing;
- However, one (1) threatened fauna species, Grey-headed Flying-fox (GHFF), listed as ‘vulnerable’ under the BC Act 2016 was identified as having a moderate likelihood of occurrence within the study area. A significant impact assessment and five-part test was undertaken and concluded:
 - The proposal is unlikely to substantially interfere with the recovery of the species; and
 - The proposal is unlikely to have an impact on the breeding cycle of nearby populations, nor is it likely to have an adverse effect on critical habitat.
- The proposal will modify approximately 0.04 ha of planted vegetation within the subject site. This vegetation does not conform to a TEC. Therefore, the Test of Significance was not required to be applied. Biodiversity Development Assessment Report is not required given that there is unlikely to be a significant impact on the threatened ecological community
- No suitable habitat for threatened species was located within the study area. A moderate likelihood of occurrence was given to 19 species due to high numbers of records in the surrounding areas. However, there would not be a significant impact to these fauna species due to the disturbed and degraded condition of the study area, and the limited size of the study area;
- The site has not been identified as being part of the flight path for shorebirds or other migratory or threatened biota. The proposed development is unlikely to interfere with the flight path of any threatened or migratory species which may currently use the site and surrounding areas as a flight path; and
- The implementation of avoidance and mitigation measures (as outlined in the REF supporting the Part 5 works) will reduce potential impacts to biodiversity values within the subject site and the environment.

On this basis, the proposal is considered acceptable with regard to the provisions of the BC Act 2016.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4.1 Coastal Management

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* provides management objectives for land use planning within coastal management areas.

The subject site as it is identified within the Proximity Area for Coastal Wetlands (refer Figure 10), Coastal Environment Area (refer Figure 11), and Coastal Use Area (refer Figure 12).



Figure 10: Extract of Coastal Wetlands and Proximity Area for Coastal Wetlands map



Figure 11: Extract of Coastal Environment Area map



Figure 12: Extract of Coastal Use Area map

As detailed in the Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 5), the proposed development will not have a significant impact on the adjacent wetlands. No native vegetation that is part of or directly connected to the coast wetlands will be cleared.

Given the scope and location of proposed works, which includes the removal of trees within an existing school, the proposal is unlikely to result in any adverse impact to the structural integrity of the coast. The proposed works are separated from the coast by way of Captain Cook Drive.

4.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.5.1 Vegetation in Non-Rural Areas

Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Chapter 39, Part 4 of SSDCP 2015 prescribes works that can be undertaken with or without consent to trees and includes objectives for tree management and protection. Assessment of the proposal against SSDCP 2015 is included at Section 4.8.1 of this Statement.

The proposal seeks consent for the removal of 10 trees as identified in the attached Arboricultural Impact Assessment. The proposed tree removal does not exceed the Biodiversity Offset Scheme threshold outlined at Clause 7.2 of the Biodiversity Conservation Regulation 2017. Accordingly, approval from the Native Vegetation Panel is not necessary and further consideration of Chapter 2 of the Biodiversity and Conservation SEPP is not required.

4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.6.1 Infrastructure

Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)* provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment

process. Assessment of the relevant development controls contained in Part 2.3 have been assessed in the REF prepared in support of the Part 5 works.

4.7 Sutherland Shire Local Environmental Plan (SSLEP) 2015

4.7.1 Zoning and Permissibility

The site is zoned SP2 Infrastructure (Educational Establishment) under SSLEP 2015 as illustrated in the extract of the Land Zoning Map in Figure 13. No change is proposed to the existing use of the site as an ‘educational establishment’, which is permissible with consent in the SP2 Infrastructure zone.

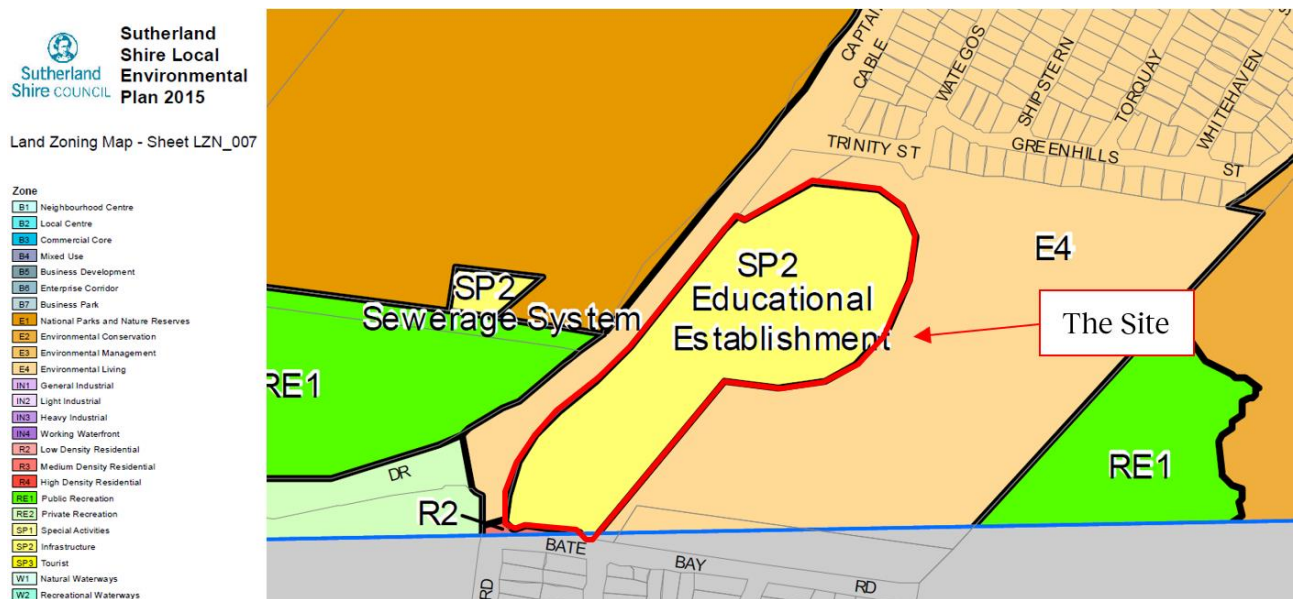


Figure 13: Extract of SSLEP 2015 Land Zoning Map

4.7.2 Heritage Conservation (Clause 5.10)

Clause 5.10 seeks to conserve the environmental heritage of the Sutherland Shire LGA including heritage items, conservation areas, archaeological sites, and Aboriginal objects and places of heritage significance.

As illustrated on the extract of the Heritage Map at Figure 14, the site is not listed as a heritage item and is not located within a conservation area. However, the site is in proximity to a local listed archaeological site ‘Four wheel drive track’ (Item No. A2523).

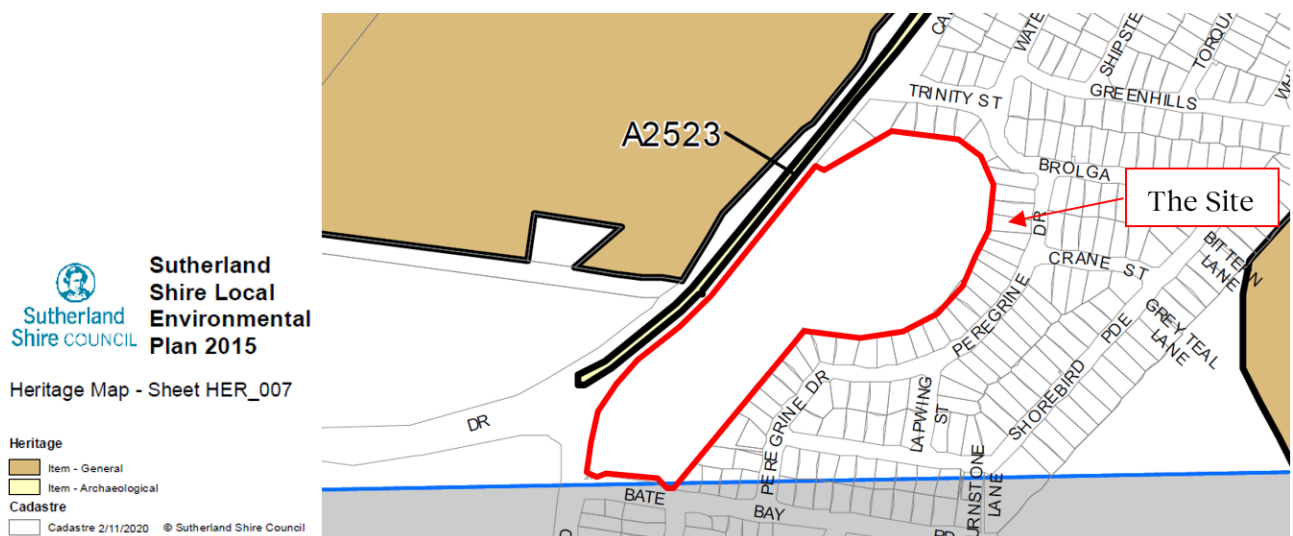


Figure 14: Extract from SSLEP 2015 Heritage Map

Additionally, as shown in Figure 15, the site is in proximity to two (2) State listed heritage items: 'Cronulla Sand Dune and Wanda Beach Coastal Landscape' (No. 01668) and 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve' (No. 01918).

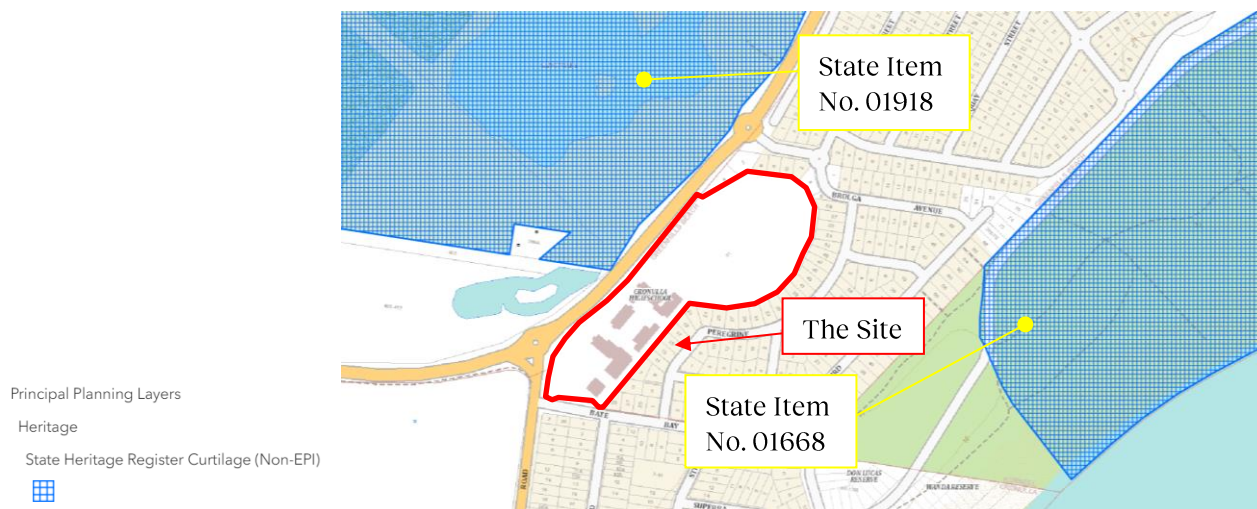


Figure 15: Extract from SSLEP 2015 Heritage Map

The proposal comprises the removal of trees which are separated from the nearby Towra Point Nature Reserve by the existing heavily treed setback and Captain Cook Drive. Given this equates to a separation of some 50m, the proposal is unlikely to result in any impacts to the reserve itself or to its aesthetic or historic qualities.

The State heritage listing for Towra Point Nature Reserve relates to its Aboriginal cultural significance and ecological significance. The Flora and Fauna Assessment (refer Attachment 5) demonstrates that the proposed works will not result in any adverse impacts relative to the ecological significance of the locality.

4.8 Sutherland Shire Development Control Plan (SSDCP) 2015

SSDCP 2015 is the primary development control plan applicable to development within the Sutherland Shire local government area (LGA).

The following sections assess the proposed development against the relevant sections of the DCP.

4.8.1 Natural Resource Management (Chapter 39)

As detailed in the Flora and Fauna Report included at Attachment 5, the proposal has been designed with regard to the relevant provisions of SSDCP 2015 relating to the protection of wetlands, waterways, threatened species, trees, and bushland.

Biodiversity Strategy - Greenweb

The site is mapped as 'greenweb support'. In accordance with Clause 1.4 of Chapter 39, the proposal has been designed to maximise habitat values and minimise disruption to connectivity. The Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 5) demonstrates that proposed tree removal is unlikely to have a significant impact on any locally occurring ecological communities due to the small area of impact proposed and the disturbed nature of existing vegetation and habitats.

As demonstrated in the attached Landscape Plan, the subject site will be landscaped with replacement tree planting comprising species indigenous to the Sutherland Shire. The form and configuration of the proposed landscape scheme maintains and enhances the core habitat and vegetated linkages.

Wetlands and Waterways

A minor portion of site, along the western boundary, is mapped on the Wetlands and Waterways Map as 'wetlands buffer'. No tree removal is proposed within this mapped area.

Threatened Species

An assessment of the proposal against the BC Act 2016 is provided at Section 4.3 of this Statement and in the Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 5).

Tree and Bushland Vegetation

An assessment of the trees proposed to be removed are detailed in the Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology (refer Attachment 3). The trees are required to be removed to accommodate new permanent facilities in place of existing demountable classrooms. Trees also require removal to accommodate demountable classrooms within the eastern part of the school. These demountable classrooms will be used for the decanting of students, as other buildings are being demolished, to ensure the school remains operational during construction.

In accordance with Clause 4.15 of Chapter 39, and as detailed in the Landscape Plan prepared by Taylor Brammer Landscape Architects (refer Attachment 4), the proposal includes the planting of 48 replacement trees to offset the proposed tree removal and improve landscape quality and amenity of the site. The selected replacement tree species are endemic to the Sutherland Shire LGA.

5. Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Construction Impacts

Appropriate tree mitigation and protection measures will be implemented during construction, as outlined in the attached Arboricultural Impact Assessment.

5.2 Amenity Impacts on Neighbouring Properties

The proposed tree removal is unlikely to result in any adverse impact to neighbouring properties.

5.3 Social Impacts and Economic Impacts

The proposal will not give rise to any adverse social or economic impacts. The proposed tree removal is an integral part of a larger upgrade of Cronulla High School that is being undertaken by SINSW.

5.4 The Suitability of the Site for the Development

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The proposed development is consistent with the objectives of the zone and form an integral part of a larger upgrade of Cronulla High School that is being undertaken by SINSW.

There are no significant natural or cultural constraints that would hinder the proposed development and the proposed development does not result in significant impacts on neighbouring properties or the surrounding area. Accordingly, the site is considered suitable for the proposed development.

5.5 Consultation and Submissions

The proposal will be notified in accordance with Council's notification policy. Any submissions received as a result of this public engagement process can be assessed at that time and responded to in the appropriate way.

5.6 The Public Interest

The development of land in an orderly and economic way is in the public interest. The proposed tree removal is an integral part of a larger upgrade of Cronulla High School that is being progressively undertaken by SINSW. The upgrade works will improve the learning and teaching experience for students and staff, provide new fit for purpose learning spaces, and enhance the appearance of the school.

6. Conclusion

The DA seeks consent to undertake the removal of 10 existing trees at Cronulla High School, located at 31 Bate Bay Road, Greenhills Beach ('the site').

The proposed tree removal is an integral part of a larger upgrade of Cronulla High School that is being progressively undertaken by SINSW and is being pursued as 'development without consent' under Part 5 of the *EP&A Act 1979*. The upgrade works will improve the learning and teaching experience for students and staff, while enhancing the appearance of the school.

The application seeks development consent under Section 4.12 of the *EP&A Act 1979* and has been assessed against the provisions of Section 4.15 of the *EP&A Act 1979*.

The proposed works are permissible with consent in the SP2 Infrastructure (Educational Establishment) zone and are consistent with the broad objectives of the zone.

This Statement demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

The landscape quality and amenity of the site, as well as the wider locality, will be maintained and enhanced by way of the proposed replacement tree planting.

Based on the assessment undertaken, the site is suitable for the proposed development and approval of this application is sought.

7. Attachments

Attachment 1: Survey Plan prepared by Land Partners

Attachment 2: Demolition Plan and Site Plan
prepared by Fulton Trotter
Architects

Attachment 3: Arboricultural Impact
Assessment prepared by
Travers Bushfire and Ecology

Attachment 4: Landscape Plan prepared by
Taylor Brammer Landscape
Architects

Attachment 5: Flora and Fauna Assessment prepared by Ecoplanning