Level 3 101 Sussex Street Sydney NSW 2000
t: (02) 9529 3800

School Infrastructure NSW
Communication via email

Date: 12 February 2024

Our ref: 22HNC-4430

Contract ref: DDWO04217/22

Attention: Jono Tiernan

Dear Jono,

RE: Biodiversity Assessment – *New high school in Edmondson Park* biodiversity assessment

Eco Logical Australia (ELA) were engaged by School Infrastructure NSW (SINSW) on behalf of the Department of Education (DoE) to provide a biodiversity assessment of the proposed development for a new high school in Edmondson Park, located at 145 Buchan Avenue (i.e. the 'subject land') (Figure 1).

This biodiversity assessment accompanies a State Significant Development Application (SSDA) to the NSW Department of Planning and Environment (DPE) for the proposed development.

This biodiversity assessment has been prepared to respond to the project specific Secretary Environmental Assessment Requirements (SEARs) relevant to biodiversity (Table 1). In accordance with SEAR 11 (Table 1) a Biodiversity Development Assessment Report (BDAR) or waiver under the NSW *Biodiversity Conservation Act 2016* (BC Act) is not required if the site is mapped on biodiversity certified land.

ELA can confirm that the entire subject land is mapped as Biodiversity Certified lands in accordance with the BC Act (Figure 2). Therefore, a BDAR or waiver under the BC Act is not required. This biodiversity assessment addresses the requirements set out in SEAR 11, documents the relevant legislation and provides maps according to the biodiversity certification of the subject land.

Table 1: How SEAR 11 is addressed

10. Biodiversity	ELAs response
• *Assess any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted or the site is on biodiversity certified land.* • *If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the*	ELA has prepared this biodiversity certification letter to respond to SEAR 11. The subject land is located on Biodiversity Certified lands (See Section 1). This assessment, therefore, in accordance with the second point, provides information to identify the site (inclusive of mapping) and to confirm the proposed development is consistent with the terms of the

10. Biodiversity	ELAs response
relevant biodiversity measure conferred by the biodiversity certification.	biodiversity certification (See Section 1 and Figures 2-3).

Table 2: ELA's response to biocertification of the subject land

SEARs	Response
Where a Biodiversity Development Assessment Report 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.	The subject land is wholly located on certified lands as per Figure 2 of this assessment. Section 1 confirms the effect of biodiversity certification under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and other relevant legislation.
demonstrate that the proposed development is consistent with any requirements of the biodiversity certified land.	Section 1 outlines the effect of Section 8.4(2) of the *Biodiversity Conservation Act 2016* (BC Act). There is no further assessment of ecological impacts under the BC Act required on biodiversity certified lands. Consideration of Local Planning overlays and other SEPPs are still required and have been addressed in this letter (Refer to Sections 3 and 4).
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.	Biodiversity certification within the former *Sydney Region Growth Centres 2006 SEPP* which was superseded by the *State Environmental Planning Policy Precincts (Western Parkland City) 2021*, is subject to the conditions listed in the Order to Confer (NSW Government, 2007). Though the Growth Centres SEPP has been superseded, it is effective until 30 June 2025. Additionally, though the Order to Confer was made under the former *Threatened Species Conservation Act 1995* (TSC Act), it has effect under Section 8 of the BC Act. The subject land is not affected by any measures stipulated within the SEPP.
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	The subject land does not contain mapped Existing Native Vegetation (ENV) or Native Vegetation Retention (NVR), as per Figure 2 and Figure 3. No existing or protected vegetation is present nor needs to be considered.
provide an assessment of flora and fauna impacts where significant vegetation or flora and fauna values would be affected by the proposed development.	An assessment of flora and fauna impacts under the BC Act is not required as the land is wholly certified as per Section 8.4(2) of the BC Act, outlined in Section 1. Consideration of local government overlays and other SEPPs is still required and has been addressed in this letter (Refer to Sections 2, 3 and 4).

The proposed development is described in Table 3 below.

Table 3: Details of Development

Requirement	Description
Admin	Proponent: School Infrastructure NSW (SINSW) for NSW Department of Education (DoE) Contact: Jono Tiernan (jono/tiernan@det.nsw.edu.au) Project ID: SSD- 33621433 Completed by Belinda Failes – Senior Ecologist (Eco Logical Australia) – Masters of Wildlife Management and B.Sc. (Environmental Science)
Site Details	Site address: 145 Buchan Avenue, Edmondson Park Lot / DP#: Lot 2 DP 1287903 Local Government Area (LGA): Liverpool City Council Land zoning: R1 General Residential Description of site: The subject land is located within the South-west growth centres (Western Sydney Growth Centres). The subject land is currently vacant, largely cleared of vegetation (with the exception of exotic grass). It has been previously utilised as a construction compound and access associated with the development of the primary school immediately west of the subject land. The subject land is approximately 3.9 ha in size and located within the recently developed Edmondson Park Town Centre North. Edmondson Park Primary School adjoins the western boundary. The broader surroundings consist of existing and future residential development to the north and west (part of the Edmondson Park Precinct 9), Edmondson Park Station to the south-east and undeveloped land to the south. Location Map: Figure 1 Site Map: Prospective layout shown in Figure 4.

Requirement	Description
Proposed Development	The proposed development comprises a new high school in Edmondson Park accommodating 2,000 students, approximately 124 full time staff and 20 support staff. A detailed description of the proposal is as follows: • Land use for the purpose of an educational establishment. • Bulk earthworks, comprising fill and excavation and other site preparation works. • Construction of four (4) new buildings for the proposed high school for a range of educational uses and ranging in height from one (1) to five (5) storeys. • Landscaping and public domain works, including tree planting, low lying landscaping, a sensory garden, a large sports field in the mid-west portion of the site and three sports courts in the south-west portion of the site. • An on-site staff carpark and waste collection area at the southern end of the site, accessible from South Road. • Signage for the new school. • Public domain and infrastructure works, including some offsite works outside the high school boundary within the Buchan Avenue, East Road and South Road reserves. The proposed development will be staged.

Requirement	Description
Impacts on biodiversity values	A review of the NSW State Vegetation Type Map (Department of Planning and Environment 2022) vegetation mapping datasets identified that the vegetation within the subject land has previously been mapped as part of the Plant Community Type *PCT 3320 Cumberland Shale Plains Woodland* (Figure 5). PCT 3320 may conform to the critically endangered ecological community under the state and federal legislation. However, a recent field survey conducted in November 2023 by ELA's restoration ecologist confirmed that the subject land has been cleared of vegetation and does not contain native canopy cover species. Previous images of the subject land are shown in Figure 6 and Figure 7. The site photos show exotic vegetation within the study area and regeneration of Eucalyptus saplings less than 3 m in height. The vegetation within the subject land does not satisfy the criteria for Additional High Conservation Value Vegetation. The vegetation also lacks threatened fauna habitat such as hollow-bearing trees. The vegetation within the subject site has been assessed as part of a Arboricultural Impact Assessment (AIA) (ELA 2024a) and is exempt for approval. It is understood that SINSW have conducted clearing of small saplings from 13-16 January 2024 prior to the lodgement of the SSDA (Figure 9). A pre-clearance survey was conducted prior to sapling removal and more information is provided in the AIA (ELA 2024a). An unnamed first order stream (as per the Strahler system) flows west to north-east across the subject land. A depression within the stream currently contains a dense cover of *Typha orientalis* (Broadleaf Cumbungi) which is a native semi-aquatic species which occurs naturally in drainages lines (Figure 8). This species is not part of PCT 3320. It is more likely an opportunistic native species utilising damp depression. This patch of vegetation was not previously mapped as part of a PCT or part of Existing Native Vegetation (ENV) as shown in Figure 3. More information is provided below relating to ENV. Additionally, consideration of this patch of Typha was conducted to determine if it provides potential habitat for threatened species such as *Litoria aurea* (Green and Golden Bell Frog). The patch of Typha along the drainage line is located within a highly degraded landscape. The subject land is located within a fragmented landscape which contains patches of intact native vegetation and a vast percentage of cleared lands or urban development. There is only one BioNet record for Green and Golden Bell Frog within 5 km radius of the subject land (Figure 10). Additionally, the subject land is not located near a Key Population for this species. No targeted surveys for Green and Golden Bell Frog have been conducted within the subject land. However, Typha is listed as potential habitat for the Green and Golden Bell Frog. Given the lack of BioNet records within 5 km radius of the subject land and degradation of the vegetation within the subject land, it is unlikely this species would occur. As a precautionary approach, a pre-clearance survey for this species was conducted prior to vegetation removal of the Typha. The methodology and results of the Green and Golden Bell Frog pre-clearance assessment have been documented in a separate report by ELA (2024b). The assessment did not record the presence of Green and Golden Bell Frog. No other habitat resources such as hollow-bearing trees were identified during the November 2023 field surveys which may provide habitat for fauna species.

1. Biodiversity Certification

In August 2017 the *Biodiversity Conservation Act 2016* (BC Act) was gazetted and repealed the *Threatened Species Conservation Act 1995* (TSC Act). 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 BC Act describes the effect of biodiversity certification in relation to development under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). 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*'.

The entire subject land is located on 'biodiversity certified land' under Schedule 2 of the Order to Confer (Figure 2). As previously discussed, the subject land does not contain mapped areas of existing native vegetation (Figure 3) and the current vegetation does not satisfy the criteria for Additional High Conservation Value Vegetation. Additionally, due to the highly disturbed landscape of the subject land, the vegetation does not provide potential habitat for threatened flora species.

A small patch of Typha was recorded within a depression along the first order stream which flows west to north-east. Typha is listed as potential habitat for *Litoria aurea* (Green and Golden Bell Frog) which is listed as endangered under the NSW BC Act and vulnerable under Commonwealth EPBC Act. There is only BioNet one record for this species within a 5 km radius of the subject land; however, according to the Order to Confer item 18, surveys are required for Green and Golden Bell Frog within areas marked for the potential population at Riverstone. The subject land does not include the area of potential Riverstone key population. Additionally, the subject land is located approximately 35 km south of Riverstone. Therefore, additional conservation measures for the current subject land are not required. However, given the presence of Typha within a depression, a precautionary approach has been taken and pre-clearance survey for Green and Golden Bell Frogs are required prior to removal of vegetation for development.

No further assessment of impacts to biodiversity values is required under the EP&A Act.

2. State Environmental Planning Policy Precincts – Western Parkland City 2021

The *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* supersedes the Growth Centres SEPP. It contains planning provisions for precincts within the Western Parkland City, including for the clearing of native vegetation. Provisions applying to development within the Edmondson Park South Precinct, whereby the subject land is located, are found in Appendix 1 of this SEPP. The *State Environmental Planning Policy (State Significant Precincts) 2005 Edmondson Park South site Native Vegetation Protection Map* (Figure 3) provides an overview of areas which are mapped as native vegetation.

The subject land does not contain vegetation mapped as Existing Native Vegetation (ENV) or Native Vegetation Retention Areas (NVRA) as shown on the Native Vegetation Protection Map (Figure 3). Therefore, these provisions are not relevant to the proposed development.

3. Edmondson Park South Development Control Plan 2012

The Edmondson Park South Development Control Plan 2012 (DCP) was reviewed as a part of this assessment. Section 3.7 contains provisions for schools and daycare facilities. Objective 2 is relevant to the current proposal:

Objective 2: Landscaping on school sites is to respect and retain major natural site vegetation or the theme of the nearest local park and streetscapes where possible.

The landscaping has included species characteristic of PCT 3320 Cumberland Shale Plains Woodland within the school (NBRS 2023). Landscaping species includes canopy *Eucalyptus tereticornis* (Forest Red Gum) and *E. fibrosa* (Red Ironbark), midstorey *Breynia oblongifolia* (Coffee Bush) and *Dodonaea triquetra* (Holly-hop Bush) and ground cover species *Themeda australis* (Kangaroo Grass) (NBRS 2023).

There are no provisions relating to native vegetation listed under the DCP.

Section 4.1 of the 'Edmondson Park South DCP 2012' contains provisions relating to riparian corridors. Although the subject land contains a watercourse, this watercourse is not included as a riparian corridor under the DCP. Figure 21 of the DCP relates to the Riparian and Water Cycle Management Plan for Edmondson Park South. There are no riparian corridors mapped within the subject lands under the DCP, therefore, riparian corridors are not considered further in relation to the DCP. The closest riparian corridor mapped under the DCP is Maxwell Creek which is located in the non-certified lands to the east, outside of the subject lands.

4. Liverpool Local Environmental Plan 2008

As previously discussed, the subject land is under the Western Parkland City SEPP and therefore, the Liverpool Local Environmental Plan 2008 (LEP) does not apply. However, a review of provisions relating to biodiversity, environmentally sensitive lands and Terrestrial and Riparian overlays under the LEP was conducted as part of this biodiversity assessment. It was confirmed that the subject land does not contain land mapped on the LEP Terrestrial or Riparian overlays. No other provisions were identified as relevant to the current proposal.

5. Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) contains provisions for the protection of fish habitat and threatened species. The proposed works:

- will not impact 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, further assessment or approvals relating to the FM Act (i.e. a Part 7 Permit) are not required.

6. Water Management Act 2000

The proposed works will impact on an unnamed first order stream (as per the Strahler system) within the subject land. The proposed development would occur within Waterfront land (40 m each side of the mapped watercourse), which would typically require a Controlled Activity Approval. It is noted that the Edmondson Park South Precinct has undergone the precinct planning process, which among other things, has defined which areas of riparian land are to be protected. The watercourse is not identified as an area to be retained in the Indicative Layout Plan for the Edmondson Park South precinct. As such the works are consistent with the Precinct planning approvals and no additional consideration of assessment under the *Water Management Act 2000* is required.

7. 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 Climate Change, Energy, the Environment and Water (DCCEEW).

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

8. Recommendations and mitigation measures

Where habitat for native fauna is to be removed, such as the vegetation along the drainage line (Figure 8), the works should be done in such a manner that minimises the risk of risk of injury or death to native fauna. A pre-clearance survey (or dam dewatering plan if water is present in the dam) for the drainage line is recommended prior to development within the subject land. An ecologist is required to conduct the removal of native fauna and document all results.

It is noted that Green and Golden Bell Frog pre-clearance assessment was conducted on 13 December 2023 by ELA Senior Restoration Ecologist (ELA 2024b). The methodologies and results of the pre-clearance survey will be provided in a separate report to this Biodiversity Statement (ELA 2024b). The survey did not record the presence of Green and Golden Bell Frog or other threatened species during the survey.

In accordance with item 11 of the SEARs, an ecology field survey is not required to determine the presence of threatened species within the subject land given that the subject land is biodiversity certified. However, a site inspection was undertaken by ELA's restoration ecologist in December 2023. The initial subject land photos (taken by ELA's bushfire consultant) indicate clearance of native vegetation (noting some sapling Eucalyptus growth) and lack of potential threatened fauna habitat. The restoration ecologists confirmed the presence of saplings, and these were removed 13-16 January 2024 prior to the lodgement of the SSD as exempt vegetation (i.e. less than 3 m in height on certified lands).

9. Conclusion

School Infrastructure NSW (SINSW) for Department of Education propose to submit a State Significant Development Application (SSD 62028458) for a new high school at 145 Buchan Avenue, Edmondson Park. The proposed new high school in Edmondson Park is located on biodiversity certified land in accordance with the *State Environmental Planning Policy* (SEPP) South West Growth Centres. The SEPP *(Precincts – Western Parkland City) 2021* supersedes the Growth Centres SEPP and contains provisions for development on certified lands. In accordance with SEAR 11 a Biodiversity Development Assessment Report (BDAR) or waiver under NSW *Biodiversity Conservation Act 2016* is not required for development within biodiversity certified lands. This biodiversity statement confirms that the proposed new high school is located on biodiversity certified lands. Therefore, a waiver or BDAR is not required. Matters relating to biodiversity values under the BC Act and EPBC Act have been addressed as part of the previous South West Growth Centres SEPP. No additional biodiversity matters are required, except pre-clearance surveys which will be conducted as a precautionary approach. Site photos provided by ELA's bushfire consultant identified a patch of Typha which may provide marginal habitat for one threatened species listed under the BC Act and EPBC Act. As a precautionary measure, a pre-clearance survey was conducted by the restoration ecologist prior to removal of vegetation within the subject land (ELA 2024b).

10. Declaration

I, Belinda Failes, confirm this Biodiversity Assessment – new high school in Edmondson Park biocertification letter addresses the requirement of SEAR No. 11 (SSD-62028458.) and relevant State and local legislation, policies, and guidelines including; Order to confer biodiversity certification on the State Environmental Planning Policy (NSW Government 2007). I further confirm that none of the information contained in the Biodiversity Assessment – new high school in Edmondson Park biocertification letter is false or misleading.

Belinda Failes

Senior Ecologist

Figure 1: Location of the proposed new high school in Edmondson Park (ELA 2023)

Figure 2: Biodiversity Certified land in relation to the subject land information accessed from the SEEDs portal Sydney Region Growth Centres SEPP

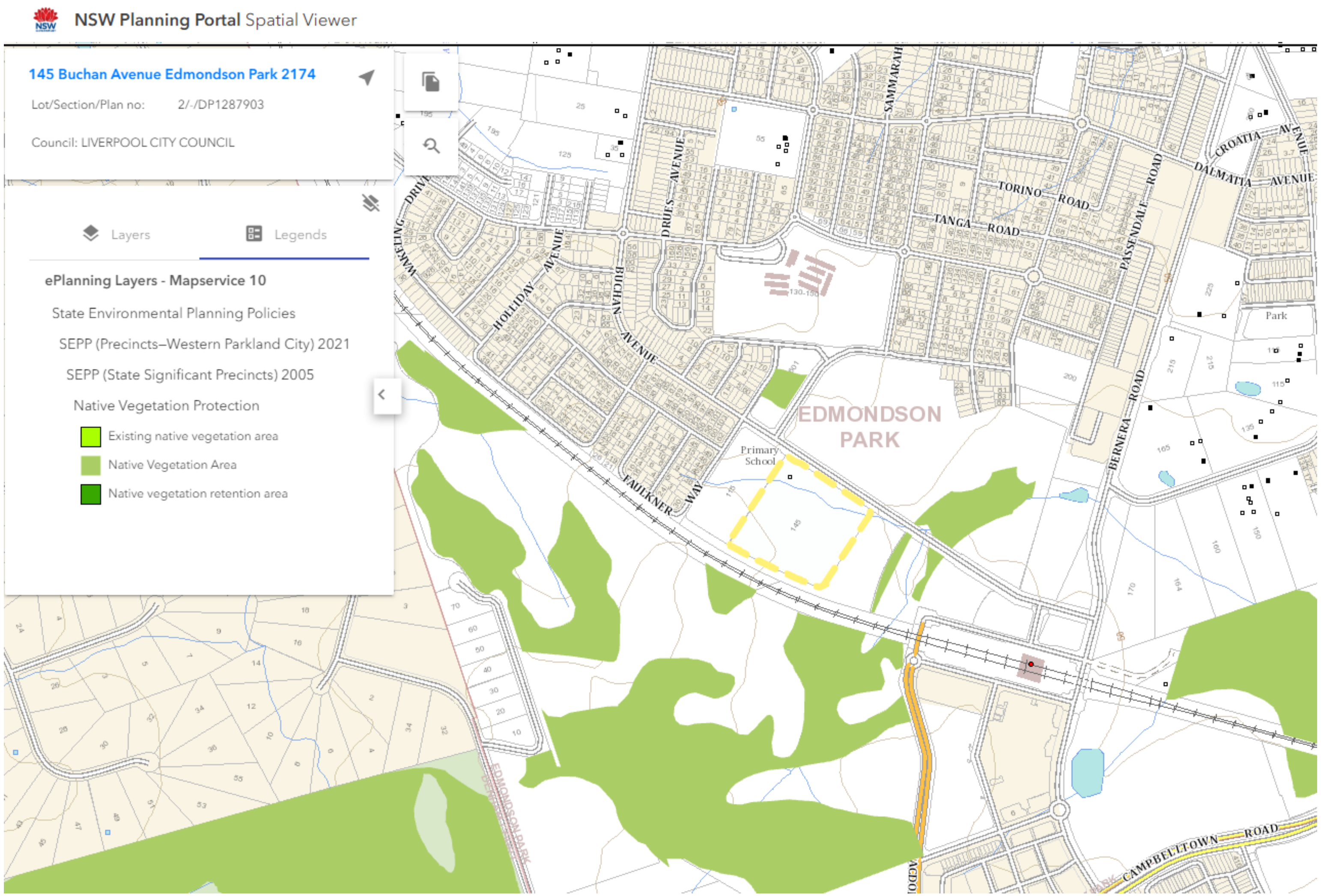

Figure 3: Location of subject land according to the SEPP 2005 Edmondson Park South Native Vegetation Protection Map (accessed via e-Planning portal)

Figure 4: location of buildings within the new high school in Edmondson Park (ELA 2023)

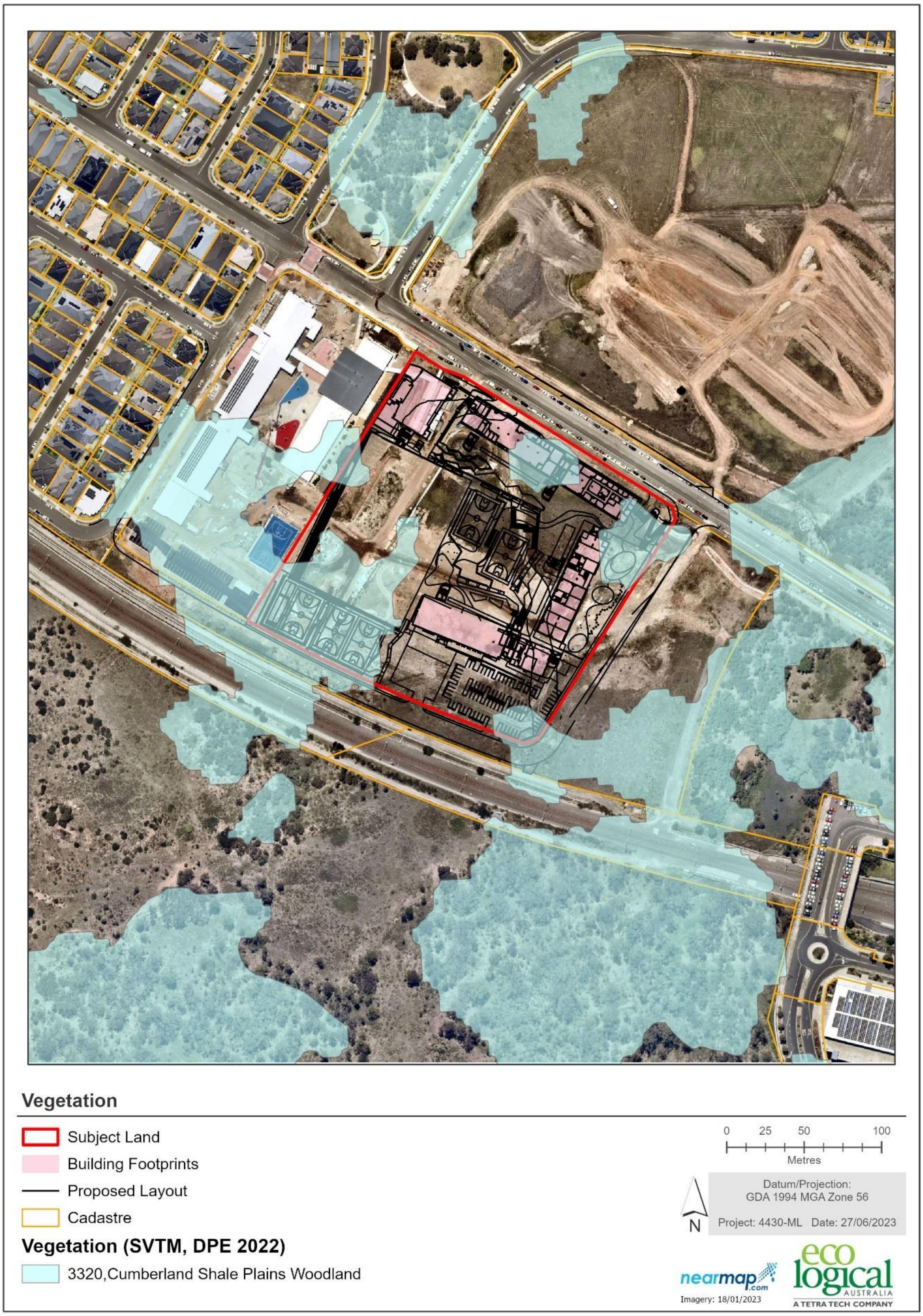

Figure 5: Previous mapping of vegetation communities within the subject land (ELA 2023)

Figure 6: Current condition of the subject land represented by exotic ground cover (taken by ELA January 2023)

Figure 7: Subject land looking north (taken by ELA January 2023)

Figure 8: Presence of Typha within drainage line located in the north-western portion of the subject land along the 1st Strahler order stream (photos taken by ELA January 2023)

Figure 9: Condition of site following sapling removal 13-16 January 2024 (photo provided by Johnstaff, via email 2 February 2024)

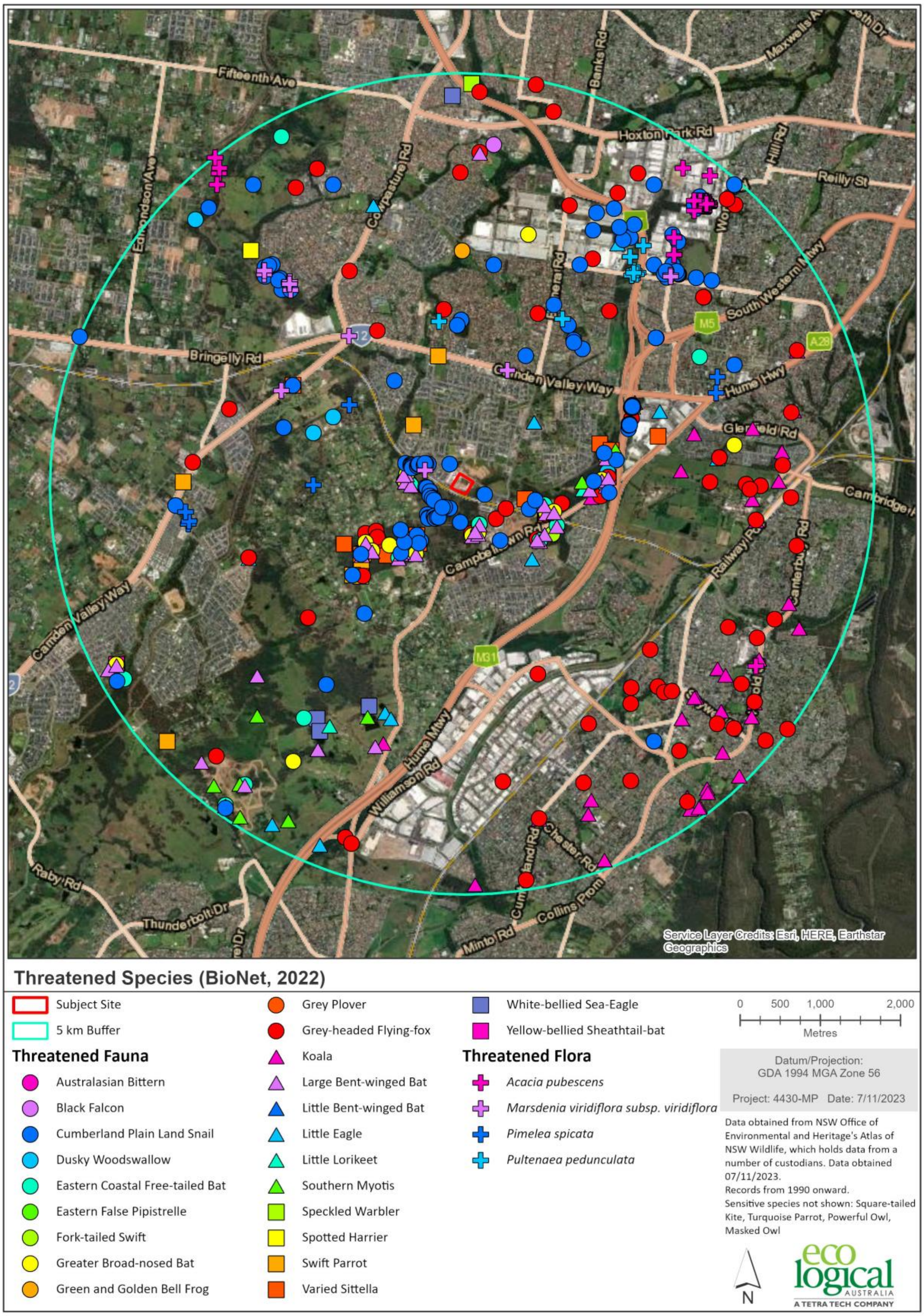

Figure 10: BioNet threatened species records within a 5 km radius of subject land

11. 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)

NBRS 2023 Landscape Plans for the new high school at Edmondson Park

Eco Logical Australia (ELA) 2024a. New high school at Edmondson Park - Arboricultural Impact Assessment. Prepared for SINSW

Eco Logical Australia (ELA) 2024b. New high school at Edmondson Park Preclearance Survey Report Prepared for SINSW