Our ref: 376901

14 February 2025

1 Introduction

RPS AAP Consulting Pty Ltd (RPS) were engaged to assess ecological impacts associated with the proposed development at Sutherland Public School by the State of NSW through the Department of Education. Sutherland Public School is located at 38-54 Eton Street, Sutherland NSW 2232, within the Sutherland Shire Council Local Government Area (the Project Area; **Figure 1**).

The proposed development includes the construction of a new multipurpose communal hall building within the existing school grounds, with the extent of works hereafter referred to as the 'Activity Area' (**Figure 2**). The Proposal will be assessed under *Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP TI).

The purpose of this Ecological Assessment Memo is to:

- Describe the existing biodiversity values present within the Activity Area based on desktop research and field survey techniques
- Assess potential direct and indirect impacts of the Proposal on State and Commonwealth listed threatened entities
- Provide recommendations and site-specific management measures to further avoid and minimise impacts to biodiversity as a result of the Proposal
- Review the statutory approval framework relevant to the Proposal, including consistency with relevant environmental planning instruments.

This assessment focuses on biodiversity matters listed under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

1.1 Site Location

The site is located at 38-54 Eton Street, Sutherland, NSW 2232. The Sutherland Public School is approximately 1.35 hectares in area and is made up of the following 16 allotments:

- Lot 1 DP6600
- Lot 2 DP6600
- Lot 3 DP6600
- Lot 4 DP6600
- Lot 5 DP6600
- Lot 6 DP6600
- Lot 7 DP6600
- Lot 8 DP6600
- Lot 9 DP6600
- Lot 10 DP6600
- Lot 5 Section 45 DP802
- Lot 6 Section 45 DP802
- Lot 7 Section 45 DP802

- Lot 8 Section 45 DP802
- Lot 9 Section 45 DP802
- Lot 10 Section 45 DP802

The proposed school hall is located within Lot 6, 7 and 8 DP802 and has an area of approximately 957 sqm. (the Project Area; **Figure 1**).

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Figure 1: Project Area

2 Methodology

2.1 Desktop research

The following spatial resources/datasets were reviewed to evaluate landscape conditions of the Activity Area:

- BioNet Vegetation Classification (NSW DCCEEW 2024);
- NSW State Vegetation Type Map (DPE 2023); and
- Aerial imagery of the Subject Land (Nearmap 2024).

2.2 Field surveys

A diurnal field survey was performed on 12th November 2024. Surveys included the following tasks:

- A site walkover/random meander to identify any threatened species present;
- Opportunistic sightings of secondary indications (scratches, scats, diggings, tracks etc.) of resident fauna noted. Such indicators may include:
  - Hollow bearing trees;
  - Distinctive scats left by mammals;
  - Scratch marks made by various types of arboreal animals;
  - Nests made by various guilds of birds;
  - Feeding scars on eucalyptus trees made by gliders;
  - Whitewash, regurgitation pellets and prey remains from owls;
  - Aural recognition of bird and frog calls;
  - Skeletal material of vertebrate fauna; and
  - Chewed *Allocasuarina* cones - indicative of feeding by Glossy Black-cockatoo (*Calyptorhynchus lathami*); and
- Two Rapid Data Points (RDPs) to gather general vegetation data within the Site Boundary.

3 Results

3.1 Existing environment

The Activity Area comprises of mostly hard standing playgrounds, with planted native and exotic vegetation. Refer to **Plate 1** and **Plate 2** for an appreciation of this vegetation.

Plate 1: Vegetation at Activity Area

Plate 2: Vegetation at Activity Area

Plate 3 - Vegetation in Remainder of Survey

3.2 Vegetation within Activity Area

The vegetation on site does not conforms to Urban/Exotic, as it is characterised by a highly maintained lawn, a high proportion of exotic species and landscaped planted native vegetation. These areas generally lack native composition, structure and flora variability. The entire study area is located within the grounds of an active public school with a large proportion of hardstand.

Activity Area

The vegetation comprises a moderately dense canopy consisting of planted native vegetation such as *Brachychiton acerifolius* (Illawarra Flame Tree), *Eucalyptus robusta* (Swamp Mahogany), *Melaleuca quinquenervia* (Broad-leaved Paperbark), *Eucalyptus microcorys* (Tallowwood) and *Lophostemon confertus* (Brush Box) in the canopy. It also included planted exotics such as *Ficus microcarpa* (Fig). Trees were mostly isolated and restricted to the boundaries. The mid strata again was limited to the boundaries within the Activity Area and was dominated by a mixture of planted native and exotics including *Plumeria* spp*.,* (Frangipani), *Callistemon rigidus* (Stiff Bottlebrush), *Grevillea robusta* (Silky Oak), *Cinnamomum camphora* (Camphor Laurel), *Leptospermum petersonii* (Lemon-scented Teatree), *Quercus agrifolia* (Coast Live Oak) and *Cupressus* spp*.,* (Cypress). The ground cover was mostly bare and predominantly exotic with scattered sparse vegetation including *Chlorophytum comosum* (Spider plant), *Agapanthus praecox* subsp*. orientalis* (African Lily), *Aspidistra elatior* (Cast Iron Plant), *Agave attenuate* (Foxtail Agave), *Curio repens* (Blue Chalksticks), *Plectranthus neochilus, Crassula ovata* (Jade plant), *Aeonium arboretum* (Tree aeonium) and *Lomandra longifolia* (Spiny-head-mat-rush) along with a small patch of maintained lawn consisting of primarily *Lolium perenne* (Pernial Rye Grass), *Cenchrus clandestinus* (Kikuyu Grass) and *Leontodon saxatilis* (Hairy Hawkbit). The vegetated Activity Area totals approximately 0.2 ha.

Reminder of Project Area

The reminder of the Project Area is predominately hardstand with some small patches of vegetation. The vegetation comprises of a moderately sparse canopy consisting of planted native vegetation such as *Brachychiton acerifolius* (Illawarra Flame Tree), *Lophostemon confertus* (Brush box) the canopy also included planted exotics such as *Ficus macrocarpa* (Fig). Trees were mostly isolated and restricted to the boundaries. The mid strata again was limited to the boundaries within the Survey Area and was dominated by a mixture of planted native and exotics including *Plumeria spp.,* (Frangipani), *Elaeocarpus reticulatus* (Blueberry Ash), *Callistemon rigidus* (Stiff Bottlebrush), *Grevillea robusta* (Silky Oak), *Kunzea ambigua* (Tick Bush), *Leptospermum petersonii* (Lemon-scented Teatree), The ground cover was mostly bare and predominantly exotic with scattered sparse vegetation including, *Furcraea foetida* (Giant Cabuya), *Xanthorrhoea australis* (Grass Tree) and *Lomandra longifolia* (Spiny-head-mat-rush). A large portion of the remainder of the site was maintained lawn consisting of primarily *Lolium perenne* (Perennial Rye Grass), *Cenchrus clandestinus* (Kikuyu Grass) and occasional *Leontodon saxatilis* (Hairy Hawkbit).

A total of 18 exotic species were identified within the total Project Area which is provided in **Appendix**.

3.3 Threatened entities

3.3.1 Threatened Ecological Communities

The vegetation within the Activity Area does not conform to any listed TECs

3.3.2 Threatened Species

No threatened flora or fauna species were identified within the Activity Area during opportunistic surveys in November 2024. Six fauna species were observed during the site visit (full species list available in **Appendix 0**). Fauna habitats were limited to isolated trees and small islands of vegetation within the school grounds (**Figure 2**).

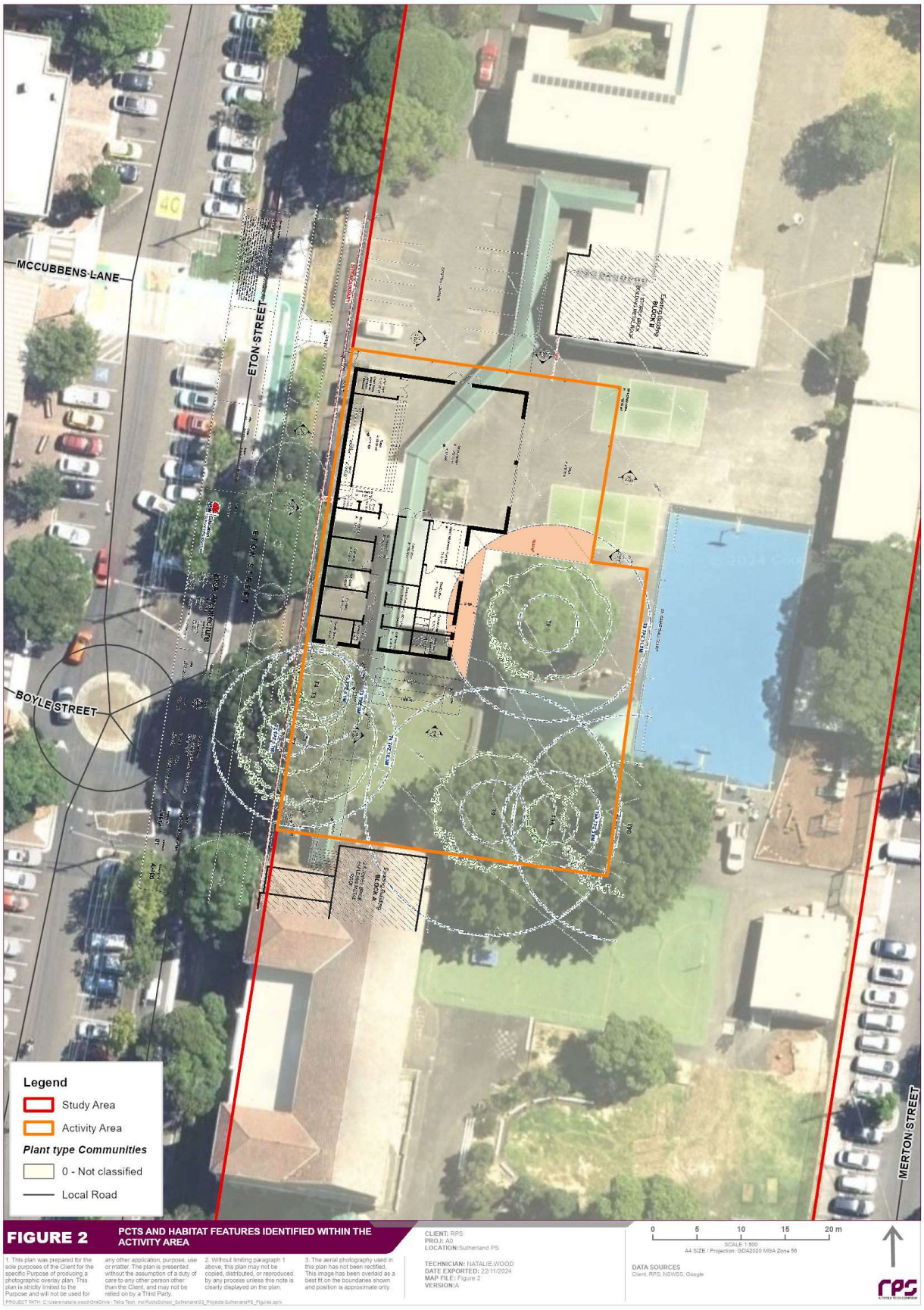

Figure 2: Vegetation and habitat features identified within the Activity Area

4 Biodiversity impacts

Within the Activity Area, it is proposed that six trees will be removed, as described in **Table 1** and shown in **Figure 3**. All other trees shown in the Activity Area will be retained and protected through construction.

No trees containing potential fauna habitat features are to be removed. Furthermore, a total of approximately 0.005 ha of Urban/Exotic vegetation is to be cleared, consisting of mostly exotic ground cover and planted native. *This is considered negligible and is not considered a significant impact.*

Table 1: Trees required to be removed within the Activity Area as part of the works

Tree ID	Species	Justification
T3	*Eucalyptus robusta*	The tree is located within the footprint of the building which will encroach into the Tree Protection Zone and the Structural Root Zone The tree is not retainable under the proposed development.
T4	*Melaleuca quinquenervia*	The tree is located within the footprint of the building proposing 100% encroachment. The tree is not retainable under the proposed development.
T5	*Brachychiton acerifolius*	The tree is located within the footprint of the building proposing 100% encroachment. The tree is not retainable under the proposed development.
T6	*Leptospermum petersonii*	The shrub is located within the footprint of the building proposing 100% encroachment. The tree is not retainable under the proposed development.
T7	*Leptospermum petersonii*	The proposed covered walkway will encroach into the Tree Protection Zone and the Structural Root Zone by up to 24% which is a major encroachment that has the potential to affect the shrub. While the shrub could potentially be retained via tree sensitive design the shrub is considered to be easily replaceable with offset planting.
T8	*Lophostemon conferus*	The proposed covered walkway and the edge of the proposed building will encroach into the Tree Protection Zone and the Structural Root Zone.

Figure 3: Trees proposed for removal

5 Mitigation Measures

Table 2 lists the mitigation measures recommended for minimising the Proposal's direct and indirect impacts on biodiversity.

Table 2: Recommended mitigation measures

Impact	Mitigation measures	Timing
Incidental impacts to fauna	Any fauna injured during construction/clearing activities should be transported to a veterinary clinic or taken by a Wires volunteer	Prior and during vegetation removal and construction
Erosion and Sedimentation	Appropriate erosion and sediment control should be erected and maintained at all times during construction in order to avoid the potential of incurring indirect impacts on biodiversity values. As a minimum, such measures should comply with the relevant industry guidelines such as *The Blue Book* (Landcom 2004).	Construction
Hygiene	Appropriate hygiene measures such as vehicle and equipment cleaning protocols are to be implemented to ensure that operations within the Activity Area do not contribute to the encouragement or spread of feral pest, disease or weed species.	Prior and during vegetation removal and construction
Storage and stockpiling of materials	Any temporary structures required for construction, such as temporary facilities and laydown areas, must be located in areas away from vegetation within existing hardstand. All fuels, chemicals and other hazardous materials must be stored in a roofed, fire-protected and impervious bunded area at least 50 m from waterways, drainage lines, basins, flood-affected areas or slopes above 10%. Bunding design must comply with relevant Australian Standards and should generally be in accordance with relevant guidelines. Importing of soils from outside the site should be avoided where possible due to the potential of pathogen and weed introduction. Only weed-free material is to be reused during site rehabilitation.	During vegetation removal and construction
Exotic species	If landscaping and/or offset planting is proposed as part of the project, native vegetation representative of the nearest mapped native community, Sydney Coastal Shale-Sandstone Forest, should be prioritised. Species for consideration include: Canopy: • *Corymbia gummifera* • *Angophora costata* • *Allocasuarina littoralis* • *Eucalyptus resinifera* Mid strata: • *Lomatia silaifolia* • *Persoonia levis* • *Banksia spinulosa* • *Acacia myrtifolia* Ground: • *Entolasia stricta* • *Lomandra obliqua* • *Dianella caerulea* • *Xanthorrhoea media*	Construction and post-construction

6 Regulatory consistency

6.1 *Environmental Protection and Biodiversity Conservation Act 1999*

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the Act as Matters of National Environmental Significance (MNES). MNES identified in the Act include:

1. World heritage properties
2. National heritage places
3. Wetlands of international importance (listed under the Ramsar Convention)
4. Threatened species and communities
5. Migratory species protected under international agreements
6. Commonwealth marine areas
7. The Great Barrier Reef Marine Park
8. Nuclear actions (including uranium mines)
9. Protection of water resources from coal seam gas development and large coal mining development.

No MNES occur within the Project Area, nor will be impacted by the Proposal. As such, the Proposal is consistent with the EPBC Act.

6.2 *Biodiversity Conservation Act 2016*

Threatened species, ecological communities and their habitats impacted by Proposals determined under Part 5 of the EP&A Act are assessed in accordance with the 'Assessment of Significance' as prescribed in Section 7.3 of the BC Act. No threatened species, ecological communities or their habitats occur or are considered likely to occur within the Activity Area. As such, no Assessment of Significance per the BC Act is required for the Proposal.

The BC Act also administers the Biodiversity Offset Scheme (BOS). Two BOS triggers are relevant to Proposals determined under Part 5 of the EP&A Act as follows:

- Occurring on an Area of Outstanding Biodiversity Value, or
- Significantly impacting a threatened species, ecological community or their habitat (determined via the Assessment of Significance [5-part Test] under Section 7.3 of the BC Act).

The Activity Area does not occur on an Area of Outstanding Biodiversity Value, and as previously discussed, no threatened species, ecological communities or their habitats occur or are considered likely to occur within the Activity Area. As such, the Proposal does not exceed the BOS threshold and the Proposal is consistent with the BC Act.

6.3 *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) relates to vegetation in non-rural areas. This chapter applies to land zoned SP2 within the Sutherland Shire Local Government Area. Part 2.2 relates to clearing of vegetation in such areas that requires permit or approval as follows:

> (1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.
>
> (2) A person must not clear native vegetation in a non-rural area of the State that exceeds the Biodiversity Offsets Scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

(3) Subsection (2) does not apply to clearing on biodiversity certified land under the *Biodiversity Conservation Act 2016*, Part 8.

(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.

(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.

(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.

As discussed in **Section 6.2**, the Proposal does not trigger the Biodiversity Offset Scheme. No other Sections of Part 2.2 apply to the Proposal, therefore it is consistent with Chapter 2 of the Biodiversity and Conservation SEPP.

7 Conclusion

No threatened fauna species were identified within the Activity Area; however, the planted native vegetation present may provide some limited foraging potential and nesting habitat. The presence of trees may also provide potential future nesting habitat for threatened bird species. While a few trees are proposed for removal, this is considered a minimal portion of available habitat within the locality. The Proposal is considered highly unlikely to result in a significant impact to any State or Commonwealth listed threatened entities, therefore it is consistent with the BC Act and EPBC Act. Furthermore, the Proposal does not trigger the BOS, therefore is consistent with Chapter 2 of the Biodiversity and Conservation SEPP.

Please don't hesitate to contact me should you have any questions.

Yours sincerely,

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8 References

Department of Planning and Environment [DPE] (2025). NSW State Vegetation Type Map

Landcom (2004) Managing Urban Stormwater: Soils and construction.

Nearmap (2024) Aerial imagery of Eton Street, Sutherland NSW 2232, November 2024

NSW DCCEEW (2024). BioNet Vegetation Classification. Retrieved from: https://www.environment.nsw.gov.au/research/Visclassification.htm

Appendices

A.1 Species lists

Table 3: Flora species

Species name	Common name	BC Act	EPBC Act	Exotic
Aeonium arboreum		-	-	*
Agapanthus praecox subsp. *orientalis*		-	-	*
Agave attenuata		-	-	*
Aspidistra elatior		-	-	*
Banksia spp		-	-	
Brachychiton acerifolius	Illawarra Flame Tree	-	-	
Callistemon rigidus	Stiff Bottlebrush	-	-	
Cenchrus clandestinus	Kikuyu Grass	-	-	*
Chlorophytum comosum	Spider Plant	-	-	*
Cinnamomum camphora	Camphor Laurel	-	-	*
Crassula ovata	Jade Plant	-	-	*
Cupressus spp		-	-	*
Curio repens		-	-	*
Elaeocarpus reticulatus	Blueberry Ash	-	-	
Eucalyptus microcorys	Tallowwood	-	-	
Eucalyptus robusta	Swamp Mahogany	-	-	
Eucalyptus spp		-	-	
Ficus microcarpa		-	-	*
Furcraea foetida		-	-	*
Grevillea robusta	Silky Oak	-	-	
Kunzea ambigua	Tick Bush	-	-	
Leontodon saxatilis		-	-	*
Leptospermum petersonii	Lemon-scented Teatree	-	-	
Lolium perenne	Perennial Ryegrass	-	-	*
Lomandra longifolia	Spiny-headed Mat-rush	-	-	
Lophostemon confertus	Brush Box	-	-	
Melaleuca quinquenervia	Broad-leaved Paperbark	-	-	
Melaleuca spp		-	-	
Plectranthus neochilus		-	-	*
Plumeria spp		-	-	*
Poa annua	Winter Grass	-	-	*
Quercus agrifolia		-	-	*
Xanthorrhoea australis		-	-	

Table 4: Fauna species

Common name	Scientific name	NSW status	Commonwealth status	Observation Type
Common Myna	*Acridotheres tristis*	Not listed	Not listed	Observed and heard
Pied Currawong	*Strepera graculina*	Not listed	Not listed	Heard
Sulphur-crested Cockatoo	*Cacatua galerita*	Not listed	Not listed	Observed and heard
Feral Pigeon	*Columba livia domestica*	Not listed	Not listed	Observed
Rainbow Lorikeet	*Trichoglossus haematodus*	Not listed	Not listed	Observed and heard
Garden Skink	*Lampropholis delicata*	Not listed	Not listed	Observed