



Tia Mills
Housing and Key Sites Assessment
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2124

16 March 2026

**Subject: Environmental Impact Statement – Opal Healthcare Bayview (SSD- 77240466)
(Northern Beaches)**

Dear Tia,

Thank you for your referral received 19 February 2026 seeking comments from the Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the above project.

CPHR has reviewed the Environmental Impact Statement (EIS) (Beam Planning, January 2026) and accompanying technical reports and provides its comments and recommendations at Attachment A and a Serious and Irreversible Impact (SAIL) assessment at Attachment B. In summary:

Biodiversity.

- The proposal has not adequately addressed measures to avoid impacts on the identified SAIL Ecological Community: Pittwater and Wagstaffe Spotted Gum Forest.
- CPHR does not have access to the case in the Biodiversity Offsets and Agreement Management System (BOAMS), and this is required to complete CPHR's review.
- *Chalinolobus dwyeri* (Large-eared Pied Bat) has been incorrectly excluded from the biodiversity development assessment report (BDAR), and surveys are required.
- The full extent of the development impact footprint requires clarification.
- The avoidance of impacts to biodiversity values has not been adequately addressed.
- The Arboricultural Impact Assessment (AIA) does not provide sufficient information to demonstrate how the identified trees can be viably retained or the methods by which this will be achieved.

Flooding

- The Integrated Water Management Plan does not provide sufficient information to allow proper assessment of the proposal. A Flood Impact and Risk Assessment is required.

Should you have any queries regarding this matter, please contact Rachel Walker, Senior Conservation Planning Officer via rachel.j.walker@dcceew.nsw.gov.au.

Yours sincerely

Susan Harrison
**Senior Team Leader, Central Metropolitan
Conservation Planning and Assessment
Conservation Programs, Heritage and Regulation Group**

CPHR comments on Environmental Impact Statement – Opal Healthcare Bayview (SSD- 77240466) (Northern Beaches)

Documents Reviewed

In preparing this advice, CPHR has reviewed the following documents:

- *Environmental Impact Statement* (Beam Planning, January 2026) EIS)
- *Appendix A – SEARs Compliance Table* (Beam Planning, not dated)
- *Appendix B – Statutory Compliance Table* (Beam Planning, not dated)
- *Appendix I – Architectural Drawings* (Calderflower Architecture, October 2025)
- *Appendix M – Survey Plan* (CMS Surveyors, 20 June 2024)
- *Appendix S1 – Integrated Water Management Plan* (Birzulis Associates, 29 January 2026) (IWMP)
- *Appendix W – Landscape plans* (Taylor Brammer Landscape Architects, 28 August 2025)
- *Appendix X – Arboricultural Impact Assessment* (Heartwood Tree Consulting, 8 October 2025) (AIA)
- *Appendix AA – Streamlined Biodiversity Development Assessment Report* (Narla Environmental, October 2025) (BDAR)
- *Appendix DD – Bushfire Statement* (Building Code & Bushfire Hazard Solutions, 22 October 2025)
- *Appendix LL – Civil Engineering Plans* (Birzulis Associates, 30 September 2025).

Key Assessment Issues

Biodiversity

1.	Biodiversity Offsets and Agreement Management System (BOAMS) case not submitted to the consent authority	<p>CPHR does not currently have access to the case in BOAMS. Access is required to complete CPHR's review.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Submit the BDAR case to the consent authority by adding 'Greater Sydney – Compliance & Regulation' within BOAMS. All digital files associated with the BDAR must be uploaded to BOAMS in accordance with the Biodiversity Assessment Method (BAM 2020).
	<i>Extent and Timing</i>	Pre-determination

2.	Species exclusion not compliant and microbat surveys required.	<p><i>Chalinolobus dwyeri</i> was excluded on the basis of a habitat constraint, however, there are escarpments within 2km of the subject site to the east. Per Section 3.3 of the NSW bat guidelines, <i>Chalinolobus dwyeri</i> must be surveyed for both foraging habitat and breeding habitat.</p> <p>In reference to BDAR Section 4.3.1.1, CPHR agrees that breeding habitat for microbats does not occur within the subject land, and it is unlikely to occur within 100m of the subject land, and therefore, consideration of SAI for this species is not required. However, species credits are still applicable for the foraging habitat if the species is detected using passive acoustic/ultrasonic detectors.</p>
----	--	---

		<p>Recommended action: Amend the BDAR as follows:</p> <ul style="list-style-type: none"> • Update Table 14 to discuss the nearby forested escarpments adjoining Ku-ring-gai Chase National Park to the east and discuss their suitability as roosting habitat for <i>Chalinolobus dwyeri</i>. • Expand on the methodology and analysis used when taking recordings with the EchoMeter Touch 2 Pro to support the conclusion that the subject land does not constitute foraging habitat for <i>Charlinolobus dwyeri</i>. • Alternatively, the AA can conduct passive acoustic detection per Section 2.8 of the NSW bat guidelines to determine presence or absence, assume presence, or consult a species expert.
	<i>Extent and Timing</i>	Pre-determination

3.	Clarify the extent of the impact area	<p>The full extent of the development impact footprint requires clarification. Figure 17 of the BDAR shows partial impacts to trees along the southwestern and southeastern boundary. However, aside from Tree 79, the stems of the native trees associated with PCT 3234 occur across the existing internal road and do not appear to be proposed for removal.</p> <p>Neither the AIA or BDAR indicate if these trees will be subject to pruning and ongoing maintenance.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Update the AIA or BDAR to clarify if these native trees will be subject to impacts. If these trees are proposed for removal, amend the BDAR mapping and BAM-C accordingly.
	<i>Extent and Timing</i>	Pre-determination

4.	Avoidance of impacts to biodiversity values has not been adequately addressed.	<p>The <i>Biodiversity Conservation Act 2016</i> requires proponents to follow the avoid, minimise and offset hierarchy. Under section 6.3A(a) all reasonable measures to avoid impacts on biodiversity values must be taken first. However, Section 6.1 of the BDAR outlines only Mitigation and Minimisation Measures and provides no justification or evidence of avoidance measures such as consideration of alternative design options.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Provide information to demonstrate the measures taken to avoid impacts. • Prioritise the retention of native vegetation along Annam Road. If the AIA determines that retention of Trees 17, 19, 23, 24, 26 is not feasible, amend the development footprint to enable their retention.
	<i>Extent and Timing</i>	Pre-determination

5.	Adequacy of the Arboricultural	The AIA lists Trees 17, 19, 23, 24, 26 and 79 as being retained, however, four of these trees will be subject to major encroachment
----	--------------------------------	---

	Impact Assessment (AIA)	<p>(>20% of TPZ or Notional Root Zone per the updated AS 4970–2025).</p> <p>The AIA states:</p> <ul style="list-style-type: none"> • <i>Trees 19, and 79 will experience major TPZ encroachments of 17.8% and 15% respectively. All excavation works within the TPZs of these trees are to be conducted using tree-sensitive excavation techniques under the direct supervision of the Project Arborist to minimise root disturbance and</i> • <i>All works within the TPZs of Trees 17, 23, 24, and 26 must be carried out using tree-sensitive excavation methods under Project Arborist supervision.</i> <p>CPHR notes the following:</p> <ul style="list-style-type: none"> • No site-specific details are provided regarding the "tree-sensitive excavation techniques" proposed. • The AIA does not include an assessment demonstrating how the subject trees will be feasibly retained. <p>Recommended actions:</p> <ul style="list-style-type: none"> • Update the AIA to demonstrate how the identified trees will be viably retained, supported by detailed specifications outlining how this will be achieved. This should include root-mapping investigations using minimally invasive techniques such as hand digging with non-motorised tools or a pneumatic device for example AirSpade, as referenced in the AIA. • Revise the AIA Appendix 2 - Tree Protection Plan, to include clearly defined tree- and site-specific protection measures, consistent with Sections 1.3.21 and 2.2.6 of AS 4970–2025. Generic measures are not sufficient. • Following any design amendments (see key assessment issue 3), provide an updated AIA that considers all relevant plans. An updated BDAR must also map the full extent of the subject land and accurately quantify the total area of native vegetation removal.
	<i>Extent and Timing</i>	Pre-determination

6	Potential sighting of threatened bird, Square-tailed Kite	<p>CPHR advises that on 9 March, the Environment Line received a report from a member of the public about an active nest at the site for a threatened bird species, the Square-tailed Kite. This nest was not identified on site in the BDAR. CPHR has suggested the person makes a submission to DPHI on the matter and also requested further information on the sighting. Any information will be forwarded to DPHI if received.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Amend the BDAR if required.
	<i>Extent and Timing</i>	Pre-determination

Flooding

6.	Insufficient information provided.	<p>The IWMP does not contain sufficient information to enable a proper assessment of the proposal or to demonstrate compliance with the SEARs. The IWMP relies on flood risk mapping provided from Northern Beaches Council's website instead of using information from Council's adopted flood study. The IWMP states floor levels and carpark entrances have been designed above the 1% + Freeboard, not the PMF. The IWMP does not identify flood levels for any flood event or identify how this relates to the proposed site design. A Flood Emergency Response Plan has not been provided despite the site being isolated by flooding on Cabbage Tree Road.</p> <p>The EIS states overland flow is directed to existing grass-lined swale. However, no analysis of on-site overland flow has been provided and the impacts of the overland flow on the site has not been identified.</p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Undertake a Flood Impact and Risk Assessment (FIRA) for the development, consistent with the local planning direction and Flood Risk Management Manual. The FIRA must identify flood behaviour in all events up to the PMF and address any public safety and emergency management issues. Guidance on a fit for purpose FIRA can be found at: https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-impact-and-risk-assessment • Assess whether the flood behaviour identified in Northern Beaches Council's adopted flood study is appropriate for a detailed assessment and identify any overland flow paths impacting the site which were not identified in the flood study. • Ensure all buildings, basement car parking and other facilities are designed to be flood free and structurally sound during the PMF.
	<i>Extent and Timing</i>	Pre-determination

SERIOUS AND IRREVERSIBLE IMPACTS – ADVICE ON SAI ENTITIES

SAI Entity: Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion

	Steps	CPHR Recommendation
1	Identify relevant entities at risk of SAI	<p>CPHR agrees that the consultant has identified the relevant entities at risk of SAI. Of the SAI Species identified as requiring further assessment (BDAR Section 4.2), none were found present or at risk of SAI because of the proposal. CPHR agrees with this assessment.</p> <p>The proposal impacts the identified SAI Ecological Community: Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion, with the consultant including a SAI assessment in accordance with BAM Section 9.1.1 (BDAR Section 8.3).</p>
2	Evaluation of the current extinction risk of the impacted entities	<p>This SAI threatened ecological community (TEC) is listed under SAI Principle 3, with the Threatened Biodiversity Data Collection (TBDC) indicating that it is known from less than three locations and/or the Area of Occupancy (AOO) is less than 10km² or Extent of occupancy (EOO) is less than 100km².</p> <p>Available information regarding this SAI TEC is limited, however, the consultant has referenced the NSW Threatened Species Scientific Committee determination to provide an indication of the AOO and EOO (88 and 104km², respectively).</p>
3	Detail measures taken to avoid impacts on the entity	<p>The proponent has not adequately addressed measures to avoid impacts to this SAI TEC. CPHR recommends clearly demonstrating the feasibility of retaining the associated canopy along the northeastern boundary of the Subject Land. Refer to Key Assessment Issue 5 for further details.</p>
4	Evaluate the impacts from the proposal	<p>The proposal will result in the removal of 0.16ha of the SAI TEC. The consultant also notes that the total area to perimeter ratio of the patches of this TEC within a 1500m radius from the Subject Land will change from an estimated 17.35m² to 18.21m² following the construction of the development, indicating that a minor increase in fragmentation will occur because of the development.</p>
5	Provide advice on whether the proposal is	<p>Based on the current information available, the consultant has appropriately evaluated the</p>

	likely or unlikely to result in SAI	current risk extinction of this SAI TEC in BDAR Table 18. CPHR agrees that the proposal is unlikely to result in the extinction of this community, despite the removal of up to 0.16ha of associated vegetation.
Other Recommendations/ Comments		
1	<ul style="list-style-type: none"> • <i>Include any recommendations on how the project might be redesigned to reduce impacts on SAI, or</i> • <i>any other general comments regarding SAI analysis.</i> 	Refer to Key Assessment Issue 4 and 5

End of Submission