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Our ref: DOC22/1041542

Manwella Hawell  
Senior Planning Officer  
DPE Planning  
4 Parramatta Square Office  
Parramatta NSW 2150

By email: [manwella.hawell@dpie.nsw.gov.au](mailto:manwella.hawell@dpie.nsw.gov.au)

Dear Manwella

**Subject: Uniting Charlestown Seniors Housing and Residential Development (SSD-35370706)  
– Review of Environmental Impact Statement**

On 23 November 2022 Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment ('the Department') received a request from Planning and Assessment Group, from the Department, via the Major Projects Portal. The request was for advice in relation to the proposed Uniting Charlestown Seniors Housing and Residential Development project (SSD-35370706). The project occurs in the Lake Macquarie City Council local government area.

BCD has reviewed the Environmental Impact Statement (EIS) prepared for the project by ADW Johnson Pty Ltd (dated 8 November 2022), including the 'Streamlined Biodiversity Development Assessment Report' by Anderson Environment and Planning (dated 2 September 2022) that was presented in Appendix A1 of the EIS. Following this review, BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you have any further questions about this issue, please contact me on 4927 3154 or at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au)

Yours sincerely

Robert Gibson  
**Acting Senior Team Leader Planning**  
**Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

Date: 11 January 2023

Enclosure: Attachments A and B

## BCD's recommendations

### Uniting Charlestown Seniors Housing and Residential Development (SSD-35370706) – Review of EIS

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1. BCD recommends that the applicant reviews their decision-making key responses in Table 2 in the BDAR and clarifies whether the application triggered the streamlined assessment of impacts to threatened biodiversity as indicated in the BDAR.
2. BCD recommends that the applicant revises the colour palettes used in Figures 6 and 7 to ensure they are appropriately contrasting. This is to enable all features on the map, and in the legend, to be clear to the reader.
3. BCD recommends that Figure 7 is updated to clearly show the outline of the development footprint of the project
4. BCD recommends that all of the mitigation measures proposed in Section 2.3 'Assessment of Impacts' of the BDAR are also presented within a Statement of Commitments.
5. BCD recommends that a Construction Environmental Management Plan, including a Biodiversity Management Plan, is developed, and approved prior to commencement of construction.

## BCD's detailed comments

# Uniting Charlestown Seniors Housing and Residential Development (SSD-35370706) – Review of EIS

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## Biodiversity

1. The decision-making key for the BAM 2020 'Streamlined assessment module – Planted native vegetation' requires review

The 'Streamlined Biodiversity Development Assessment Report: Seniors Living and RFB Development at 27 Tiral Street Charlestown, NSW' (the 'BDAR') by Anderson Environment and Planning (dated 2 September 2022) states, in Section 1.1.1 'Assessment Scope' (page 1) of the BDAR that the proposed clearing '...falls within the clearing limits prescribed in the Biodiversity Assessment Method (BAM) 2020 under the Streamlined Assessment Module – Planted Native Vegetation of the BAM 2020'. However, Table 2 'Decision-Making Key (Appendix D, BAM 2020)' in the BDAR the applicant has responded 'No' to all the questions posed by the **BAM 2020 Appendix D, D.1 Decision-making key**. This means that the streamlined assessment does not apply to this project. This requires clarification, and consideration of the previous landuse of the site as a 'nursery' and for 'replanting by Charlestown TAFE horticultural department'. If a streamlined assessment does not apply to this project, then a full Biodiversity Development Assessment Report under the BAM 2020 will be required.

### Recommendation 1

BCD recommends that the applicant reviews their decision-making key responses in Table 2 in the BDAR and clarifies whether the application triggered the streamlined assessment of impacts to threatened biodiversity as indicated in the BDAR.

2. Figures 6 and 7 of the BDAR require revision to make them clear to read

The colour palettes used for survey lines in Figure 6 'Survey Effort' and the woody vegetation polygons in Figure 7 'Impacted Vegetation' (BDAR 2022 (Page 21)) are problematic. In Figure 6 the purple lines for 'BAM survey' and 'Targeted Flora Transects', and the light blue lines for 'General Habitat and Flora Assessment' and 'SATs Surveys' are too similar to tell apart. The legend also does not identify the yellow tracks on the map. In Figure 7 the colour palette used means that it is not immediately clear which vegetation is to be retained and what is to be removed.

### Recommendation 2

BCD recommends that the applicant revises the colour palettes used in Figures 6 and 7 to ensure they are appropriately contrasting. This is to enable all features on the map, and in the legend, to be clear to the reader.

3. Figure 7 requires the additional of the development footprint outline

Figure 7 does not show why some woody vegetation would be retained on the site. BCD recommends that a revised Figure 7 includes the outline of the development footprint, which would provide the reader with a better understanding of the development's impact on the site. The outline of the development's footprint in Figure 7 does not need the architectural details of the proposed development as they are presented elsewhere, such as Figure 4 'Landscape Plan' in the main part of the EIS.

### Recommendation 3

BCD recommends that Figure 7 is updated to clearly show the outline of the development footprint of the project.

#### **4. Proposed impact mitigation measures require formal description within a 'Statement of Commitments'**

Section 2.3 'Assessment of Impacts' in the BDAR includes proposed mitigation measures for likely direct, indirect, prescribed, and residual impacts to biodiversity. These are presented in summary form in Tables 8 to 11, inclusive. In order to link these mitigation measures to any consent granted for the project BCD recommend that the proposed mitigation measures are also presented in a 'Statement of Commitments'.

### Recommendation 4

BCD recommends that all of the mitigation measures proposed in Section 2.3 'Assessment of Impacts' of the BDAR are also presented within a Statement of Commitments.

#### **5. The Construction Environmental Management Plan is to be developed and approved prior to the commencement of construction**

Section 2.3 'Assessment of Impacts' in the BDAR describes proposed mitigation measures for the likely impacts on biodiversity that are to be addressed within a Construction Environmental Management Plan (CEMP). However, the BDAR does not specify when the CEMP would be prepared.

### Recommendation 5

BCD recommends that a Construction Environmental Management Plan, including a Biodiversity Management Plan, is developed, and approved prior to commencement of construction.