

11/07/2018

Tim Williams
Project Leader
PMDL
17/124 Walker Street,
North Sydney, NSW 2060

Dear Tim

Re: Biodiversity Assessment –SEARS for the Saints Peter and Paul Assyrian Primary School

This letter is provided as supporting documentation for the Saints Peter and Paul Assyrian Primary School State Significant Development (SSD) application.

1. Background

Molino Stewart was engaged by PMDL to undertake a biodiversity assessment for Stage 1 of the proposed new Saints Peter and Paul Assyrian Primary School at Kosovich Place, Cecil Park, New South Wales.

The proposed school would be built on Lot 2320 and Lot 2321 DP 1223137, which is vacant cleared land located to the south of Kosovich Place. It is proposed as a co-educational primary school with library, administration and amenities buildings.

2. Existing Biodiversity Values

The site comprises cleared land, which was previously utilised as market gardens. Field survey found that the vegetation within the development area consists of heavily disturbed exotic grassland dominated by pasture grass and weeds. A thick growth of Rhodes Grass *Chloris gayana* is the dominant ground cover on much of the site. There are very few native plants within the proposed development area, only a small number of individual *Juncus usitatus* plants were found within wetter areas of the site. The artificial dam is dominated by *Typha latifolia* Bullrush, *Eichhornia crassipes* Water Hyacinth and *Salvinia molesta* Salvinia. There are no mature native trees within the proposed development area. The ground surface within the development area is heavily modified. It is partially paved and all other areas are heavily rutted, as can be seen on aerial photographs (refer Appendix A in the attached Biodiversity Assessment Report).

The attached Biodiversity Assessment Report includes a detailed assessment of the biodiversity values of the site, an impact assessment and mitigation measures. The report demonstrates that the proposal will avoid and minimise biodiversity impacts.

3. Legislation

The *NSW Biodiversity Conservation Act 2016* (BC Act) states that a Biodiversity Assessment for an SSD application is to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

Part 9 “Biodiversity” of the SEARS (13th April 2018) issued for this project require that the EIS “Assess and document the biodiversity impacts related to the proposal, by a suitably qualified person”, and include the following note:

Note: Notwithstanding these requirements, the Biodiversity Conservation Act 2016 requires that State Significant Development Applications be accompanied by a Biodiversity Development Assessment Report.

However, since the introduction of the legislation, Molino Stewart has held discussions with the Office of Environment and Heritage's Biodiversity Assessment Method (BAM) specialist, John Siedel, in relation to another proposed school development on a site with no remnant native vegetation which was also subject to the same SSD and SEARS requirements.

Mr Siedel advised that for sites with no remnant native vegetation that a Biodiversity Development Assessment Report (BDAR) prepared using the BAM would not be required. Further, as the BAM is a methodology that assesses changes in native vegetation integrity, so if there is no native vegetation community present, the BAM cannot be accurately applied to generate credits.

It is advised that PMDL formally request a waiver to preparing a BDAR from the Department of Planning and Environment. The attached Biodiversity Assessment Report outlines the lack of native vegetation or biodiversity values on the site.

4. Conclusion

The conclusion of the Biodiversity Assessment Report is that the proposed school would not have a significant impact on any biodiversity values.

The biodiversity impacts are not significant based on the Biodiversity Assessment and a BDAR is not required due to the following:

- The proposed development activity is unlikely to have a 'significant impact' on any threatened species, threatened populations or endangered ecological communities listed under the *NSW Biodiversity Conservation Act 2016* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- It does not exceed the biodiversity offsets scheme threshold as:
 - no areas within the site are mapped as having 'high biodiversity value' as identified on the NSW Biodiversity Values Map (Appendix A in the attached Biodiversity Assessment Report); and
 - vegetation clearing on the site will not exceed the native vegetation clearing thresholds identified in the *Biodiversity Conservation Regulation* as the site does not have remnant native vegetation.
- The development is not being carried out in a declared Area of Outstanding Biodiversity Value (AOBV).

Yours faithfully

For Molino Stewart Pty Ltd

Shireen Baguley

Principal

Enclosures: 1