

BDAR waiver decision report

Project Name: Green Square Integrated Community Facility and School

SSI/SSD Application Number: SSD-10381

Proponent: School Infrastructure NSW

Date request received: 22 July 2021

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
Vegetation abundance 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	<p>The Subject Land has been entirely cleared of naturally occurring vegetation, at some point prior to 1943, and contains only plantings of native and exotic species, and weeds limited to isolated occurrences in garden beds. The Subject Land is located in a highly modified/urbanised area.</p> <p>It is anticipated that the project will result in the impact of approximately 0.039 ha of vegetation comprising a mix 0.005 ha of Planted Natives, 0.034 ha of exotic vegetation.</p>	Agreed
Vegetation integrity 1.5(2)(b) BC Act	Degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	✓	<p>Based on a review of historical aerial imagery from 1943, trees were present in the central area of the Subject Land, though vegetation appeared at this time to already consist of planted trees in rows, and lawn areas only. These trees were located in areas in which a building and hard stand areas now exist.</p> <p>Based upon the results of floristic surveys, it has been concluded that the existing vegetation of the Subject Land is comprised of Planted Natives and Exotic Vegetation within isolated garden beds, and exotic weeds. Vegetation does not conform to any naturally occurring PCT.</p> <p>With consideration of the above, the composition, structure and function of vegetation within the Subject Land and the surrounding landscape are considered to have been altered significantly from a natural state, with no naturally occurring native vegetation or habitats occurring.</p>	Agreed
Habitat suitability 1.5(2)(b) BC Act 6.1(1)(a) BC Regulation	Degree to which the habitat needs of threatened species are present at a particular site	✓	<p>The Subject Land has little potential to provide habitat for threatened species other than highly mobile, aerial species. Threatened species with the highest likelihood to utilise the Subject Land include the Grey-headed Flying-fox and microchiropteran bats. These highly mobile species may occasionally and opportunistically utilise the limited foraging resources of the Subject Land as part of a larger foraging range.</p>	Agreed. No signs of bat use were detected

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
			Buildings present could also potentially contain roosting habitat for some threatened microchiropteran bats species as entry points are present. These buildings are approved to be removed under a separate DA.	during surveys
Threatened species abundance 1.4(a) and 6.1(1)(f) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	No TECs or threatened species were observed during the site inspection. Only highly mobile, aerial threatened fauna species would be expected to utilise the foraging resources of the Subject Land occasionally and opportunistically.	Agreed
Habitat connectivity 1.4(a) and 6.1(1)(f) BC Regulations	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	✓	The existing buildings may provide potential roosting habitat for microchiropteran bats due to the presence of roof cavities. These buildings are approved to be removed under a separate DA. These habitats are common throughout the urban landscape in the locality, and any individuals, if present, will self-relocate following removal of building rooves.	Agreed
Threatened species movement 1.4(d) BC Act 6.1(1)(c) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	As above, the Subject Land does not contribute to the movement of threatened species other than highly mobile, aerial species, which do not require vegetation to move through the landscape. Impacts associated with the project would not be expected to have any impact on the lifecycle of such species.	Agreed
Flight path integrity 1.4(e) BC Act 6.1(1)(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	✓	The project will result in construction of a building mostly in areas where existing buildings are currently. Open adjacent areas between buildings within the Subject land and adjacent buildings will be retained. The project is not anticipated to significantly exceed the height of existing structures throughout the Subject Land. Subsequently the project is not expected to impact upon free flying animals (threatened or otherwise) by interfering with flight paths.	Agreed

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
Water sustainability 1.4(f) and 6.1(1)(d) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	✓	No natural or artificial water watercourse exists within the Subject Land. All vegetation within the Subject Land would rely on rain or artificial watering as its occurs within isolated, landscaped garden beds. The project is consequently not expected to have any impacts on water sustainability.	Agreed

Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
 - determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
 - ~~determines that, based on the information provided, it cannot be concluded that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



4/08/2021

Sarah Burke
**Senior Team Leader, Compliance & Regulation, Greater Sydney Branch
Environment, Energy & Science Group**

Date

Decision

I, Trish Harrup, Director Greater Sydney, of the Department of Planning, Industry and Environment, having reviewed this report and the documents attached to it:

- A. **determine** under section 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC21/626077 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required.
- B. ~~**determine** that, based on the information provided, it cannot be concluded that the proposed development as described in DOC21/626077 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



5/08/2021

Trish Harrup
**Director Greater Sydney Branch
Environment, Energy & Science Group**

Date

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Trish Harrup, Director Greater Sydney, of the Department of Planning, Industry and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required.

Proposed development means the development as described in DOC21/626077 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

Trish Harrup

5/08/2021

Trish Harrup
Director
Greater Sydney
Environment, Energy & Science Group

Date

SCHEDULE 1 – Description of the proposed development

The proposed development is the Green Square Integrated Community Facility and School at 3 Joynton Avenue, Zetland (Lot 2 DP 1174641).

