Planning, Industry & Environment

Mr Oliver Klein
Director
_planning Pty Ltd
oliverklein1968@gmail.com

Our ref: SSD 10451

-via email-

Dear Mr Klein,

Subject: Royal Institute for Deaf and Blind Children Centre for Excellence (SSD-10451) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to the request from _planning Pty Ltd, on behalf of the Royal Institute for Deaf and Blind Children (the Applicant), dated 3 April 2020, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BCA):

> *"Any such application is to be accompanied by a biodiversity development assessment report 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."*

The authority of the *"Planning Agency Head"* to determine whether a proposed development is *"not likely to have any significant impact on biodiversity values"* has been delegated to Directors within the Planning Services Division on 21 December 2017.

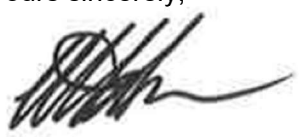
I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BCA and clause 1.4 of the *Biodiversity Conservation Regulation 2017*, and determine that the development (as described in the _planning Pty Ltd Secretary's Environmental Assessment Request report dated 3 April 2020) is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR. Accordingly, a waiver under section 7.9 is granted for the proposed development.

The delegated *Environment Agency Head* in the Climate Change and Sustainability branch of the Department of Planning, Industry and Environment's Environment, Energy and Science Group has also granted a waiver in a letter and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary's environmental assessment requirements dated 8 April 2020. Amendments to the development may require a further waiver to be sought and issued.

Should you have any enquiries regarding the above matter, please contact Kathryne Glover on 9274 6558 or via email to kathryne.glover@planning.nsw.gov.au.

Yours sincerely,



27 April 2020

Karen Harragon
Director, Social and Infrastructure Assessments

As delegate of the Secretary

BDAR waiver decision report

Project Name: Proposed Development– RIDBC Centre For Excellence, Macquarie University

SSI/SSD Application Number: SSD 10451

Proponent: Royal Institute for Deaf and Blind Children (RIDBC)

Date request received: 16 April 2020

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		The majority of the site is vegetated by exotic grassland. Planted native trees are present along the southern and north-western perimeter of the indicative development area. These trees are primarily composed of non-locally occurring eucalypts that have been planted more than three to four decades ago. To achieve the proposal approximately 0.43 ha of (predominantly) planted native vegetation is likely to be removed. Tree species present include Tallowwood (*Eucalyptus microcorys*), Sydney Blue Gum (*Eucalyptus saligna*), Spotted Gum (*Corymbia maculata*), Brushbox (*Lophostemon confertus*) and Southern Blue Gum (*Eucalyptus saligna x Eucalyptus botryoides*). Refer to Section 3.4 of the ecological report prepared by Lesryk Environmental Pty Ltd in August 2019 (Attachment 1).	This conclusion is supported. Aerial photos have been provided, which demonstrate that there is unlikely to be any remnant vegetation remaining at the site. DPIE EES vegetation mapping also supports this conclusion.
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		The subject site is highly modified and disturbed. With reference to vegetation mapping of the study area, no native vegetation is indicated as occurring at the subject site. The vegetation at the site is primarily composed of non-locally occurring eucalypts that have been planted no native vegetation being present. The site and the majority of the Macquarie University campus, bar a few isolated native woodland stands, has been completely modified and does not resemble a natural, or near natural, state. Refer to Section 3.4 of the ecological report prepared by Lesryk Environmental Pty Ltd in August 2019 (Attachment 1).	This conclusion is supported. The vegetation on site is planted so is not in a natural state.
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site		No habitats or vegetation communities for threatened species are present within the limits of the proposed development area. Refer to Section 3.4 of the ecological report prepared by Lesryk Environmental Pty Ltd in August 2019 (Attachment 1). Hollow-bearing trees occur within the adjacent planted woodland, these potentially providing habitat for a number of threatened microbats. The development of the site	This conclusion is supported. The only threatened species that are likely to utilise habitats on site are wide ranging mobile threatened

Biodiversity value	Meaning	Relevant (✓or NA)	Potential impacts	
			Applicant comment/justification	EES comment
6.1(1)(a) BC Regulation			will not require the removal or disturbance of any of these trees. If present, an assessment referring to the criteria provided under Section 7.3 of the BC Act found that the proposed development is unlikely to have a significant effect on any hollow-dependent microchiropteran, or their habitat.	fauna, and the loss of any habitats on site will have a negligible impact on these species.
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		Though targeted, no ecological communities, flora or fauna species listed under the Schedules of the EPBC or BC Acts were recorded within, or in close proximity to, the development area. Refer to Section 3.4 of the ecological report prepared by Lesryk Environmental Pty Ltd in August 2019 (Attachment 1). State listed threatened microchiropterans may occupy those hollow-bearing trees that were recorded in the adjacent woodland, none of which will be directly or indirectly affected by the scope of works proposed.	This conclusion is supported. If any threatened species utilise habitats on site, they are likely to be wide-ranging, mobile fauna and the loss of habitats on site would have a negligible impact on the species.
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 proposed development site is not considered to be part of any important local or regional wildlife corridor or vegetation link. Whilst the trees present would provide foraging resources for a range of bird species and common arboreal ground traversing or flying mammals, the site is not expected to be important for connectivity between different areas of habitat for native species, particularly those listed under the EPBC and BC Acts. The site does not facilitate the movement of any threatened species across their range.	This conclusion is supported. The site does not provide connectivity to other areas. The site would only be useful as a stepping-stone for wide ranging, mobile fauna.
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		The subject site is not considered to be part of any important local or regional wildlife corridor or vegetation link. Whilst the trees present would provide foraging resources for a range of bird species and common arboreal ground traversing or flying mammals, the site is not expected to be important for connectivity between different areas of habitat for native species, particularly those listed under the EPBC and BC Acts. The site does not facilitate the movement of any threatened species across their range.	This conclusion is supported. The only threatened species that are likely to use the site are highly mobile, and their movement across the landscape should not be impacted by the proposal.
Flight path integrity 1.4(e) BC Act	Degree to which the flight paths of protected animals over a particular site		The proposal would not interfere with the flight paths of any native birds, particularly those listed under the BC Act.	This conclusion is supported, there should be no or negligible impacts on flight path integrity of any species.

Biodiversity value	Meaning	Relevant (✓or NA)	Potential impacts	
			Applicant comment/justification	EES comment
6.1(1)(e) BC Regulation	are free from interference			
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 ecological communities, flora or fauna species listed under the Schedules of the EPBC or BC Acts were recorded within, or in close proximity to, the development area. Therefore, the water sustainability that relates to any such entities is not applicable. The proposed development would not substantially affect water sustainability at the site such that any potentially occurring threatened species that may utilise the subject site and its habitat would be adversely impacted.	This conclusion is supported, there are unlikely to be any impacts on water sustainability as a result of the proposal.

Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
    - o determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
    - o ~~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~~.

16/4/2020

Sarah Burke — Date

A/Senior Team Leader, Compliance & Regulation, Greater Sydney Branch
Environment, Energy & Science Group

Decision

I, Daylan Cameron, A/Director Greater Sydney, of the Department of Planning, Industry and Environment, having reviewed this report and the documents attached to it:

A. **determine** under clause 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC20/298984 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 DOC20/298984 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required~~.

Daylan Cameron — **Date**

A/ Director Greater Sydney Branch
Environment, Energy & Science Group

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

I, Daylan Cameron, Acting/Director Greater Sydney, of the Department of Planning, Industry and Environment, under clause 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 DOC20/298984 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

Daylan Cameron
A/Director
Greater Sydney
Environment, Energy & Science Group

Date

SCHEDULE 1 – Description of the proposed development

A 1-3 storey specialist school and health, treatment, research and diagnostics development in a single building of approximately 11,770m^2 GFA and 78 basement and at-grade car parking spaces.