

Our Ref: M190243

2 June 2021

Mr Jim Betts
Secretary – Department of Planning, Industry and Environment
Locked Bag 5022,
PARRAMATTA NSW 2124

Dear Sir,

**BDAR WAIVER REQUEST - SSD-16558521
QUEEN ANNE PRIMARY SCHOOL - NO.40 RESTWELL STREET, BANKSTOWN**

INTRODUCTION

We act as town planning consultants to the owners of the above property. The Department of Planning, Industry and Environment has issued the Secretary's Environmental Assessment Requirement (SEARs) to guide the preparation of a State Significant Development Application (SSDA) for the site. The SSDA is for alterations and additions to the existing commercial building for use as a primary school at No. 40 Restwell Street, Bankstown (the site).

We understand that DPIE requires the preparation of a BDAR Waiver application letter to justify to the DPIE that a biodiversity assessment (BDAR) is not required to support the SSDA. Hence, this letter serves as the BDAR Waiver request forms part of the SEAR's request (SSD-16558521).

THE SITE

The subject site is known as No. 40 Restwell Street, Bankstown and has a legal description of Lot 1 in DP 588229. The site is rectangular in shape with a total area of 1114.9m². The site has a western (primary) frontage with access to Restwell Street and eastern (rear) boundary of 24.385m. The north and south (side) boundaries are shared with No. 38-38A and 46-48 Restwell Street respectively, and are measured at 45.72m. The location of the site is illustrated in Figure 1 below.

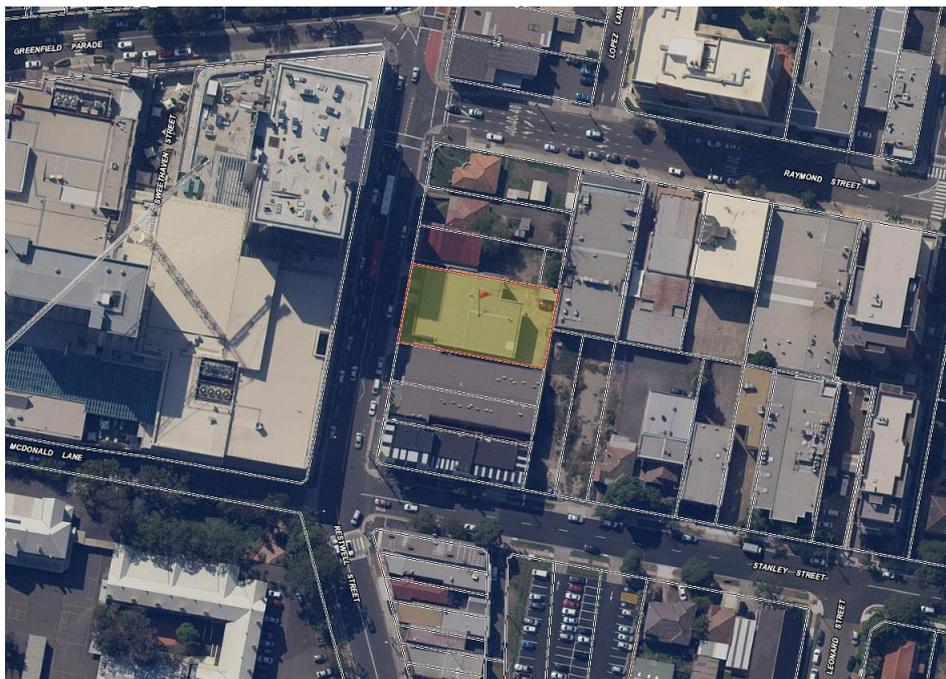


Figure 1 Aerial image of the subject site

Biodiversity

The site is located within the Bankstown CBD. The site does not contain any identified Existing Native Vegetation (ENV) nor is it land identified as containing Biodiversity Values by the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act). An extract of the Biodiversity Values Map is provided at Figure 3 below.

Additionally, the proposed development does not remove any vegetation being a fully developed existing building for reuse.

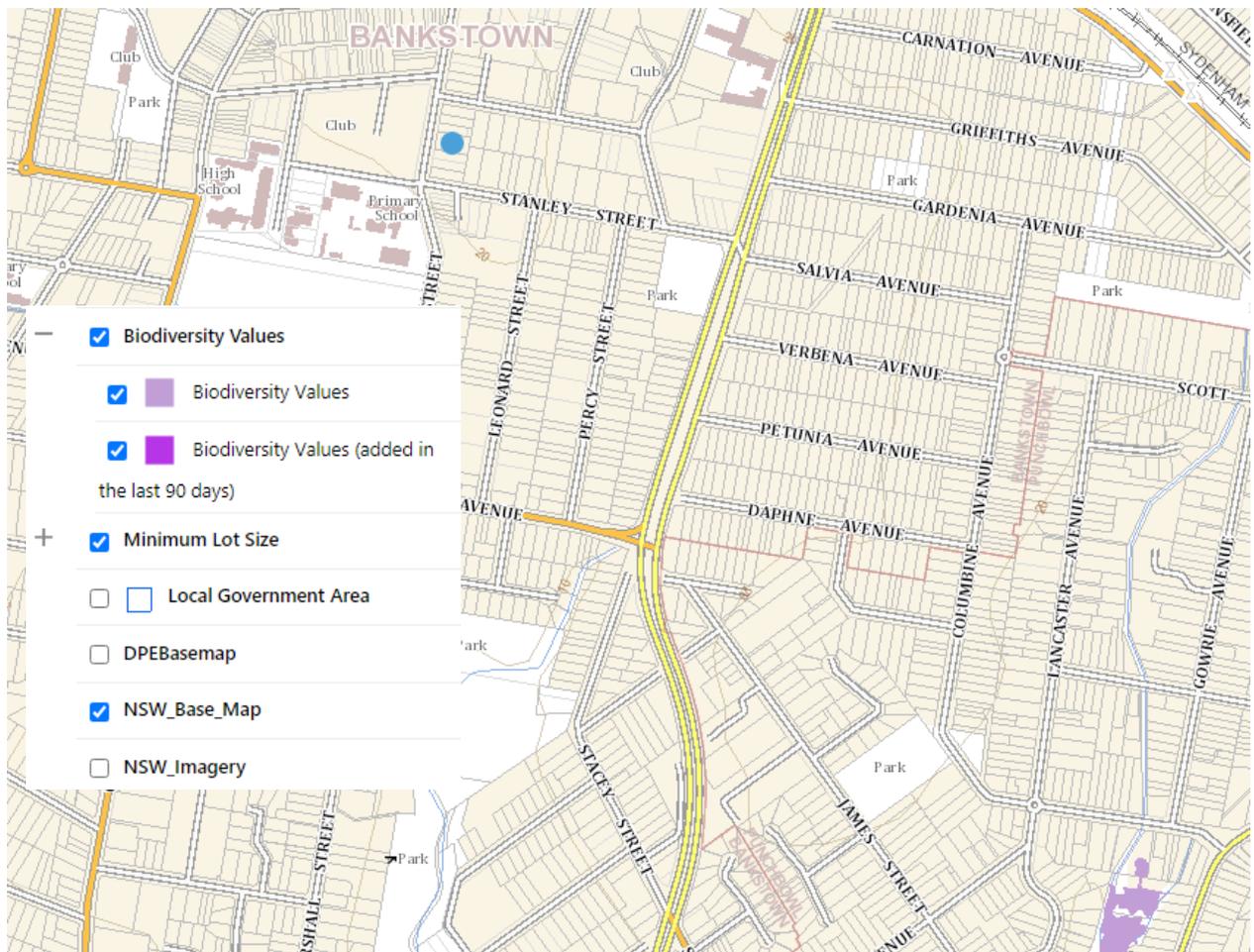


Figure 2 Biodiversity Values Map (site is identified with blue dot)

REQUEST FOR WAIVER

Section 7.9(2) of the Biodiversity Conservation (BC) Act 2016 states:

7.9 Biodiversity assessment for State significant development or infrastructure

(1) This section applies to—

(a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and

(b) an application for approval under Division 5.2 of the Environmental Planning and Assessment Act 1979 to carry out State significant infrastructure.

(2) 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.

(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.

To determine whether the proposed development is likely to have any significant impact on biodiversity values, an assessment of the proposal against the eight biodiversity values contained within Section 1.5 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017 has been undertaken (see Annexure A).

Importantly, the proposal involves reuse of an existing commercial building involving internal alterations with minor works proposed externally. The site is not located on land identified as Biodiversity Value land.

Based on the above discussion, it is considered that the proposed development will not result in any significant impact on biodiversity value of the site, and that a BDAR Waiver should be issued for the proposed development.

We trust that the information contained in this letter is sufficient to permit the DPIE to waive this requirement. Should you require any further information please do not hesitate to contact Julie Horder on (02) 9531 2555 or julie@planningingenuity.com.au.

Planning Ingenuity Pty Ltd



Julie Horder

ASSOCIATE DIRECTOR

ANNEXURE A

BDAR waiver request

TABLE 1: BDAR waiver request information requirements

TABLE 2: Impacts of the proposed development on biodiversity values



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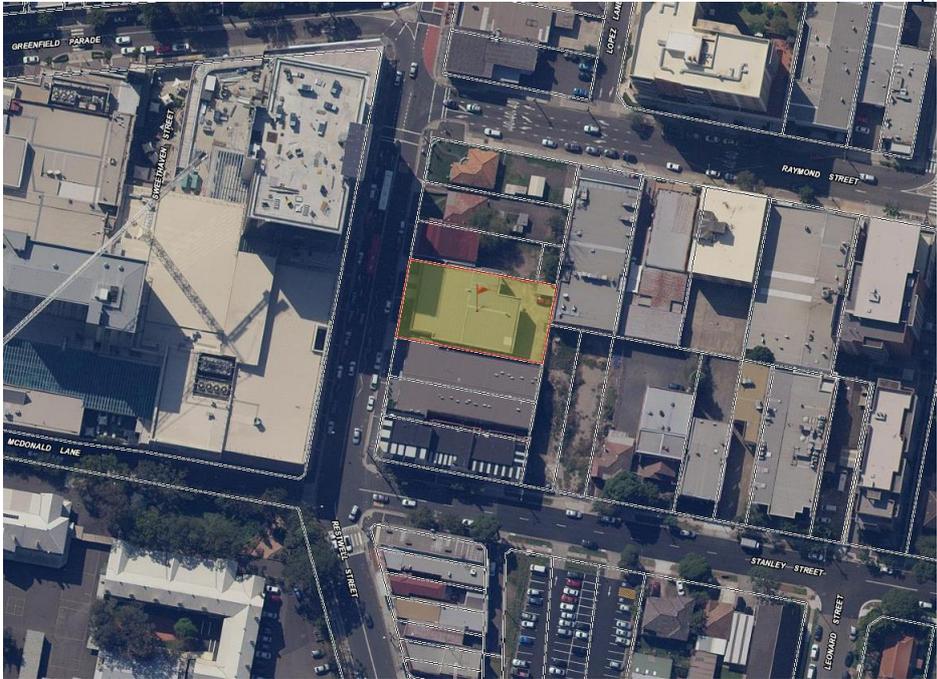
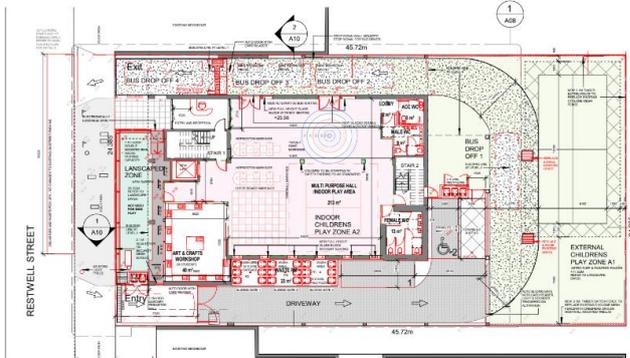
<p>Admin</p>	<ul style="list-style-type: none"> • Queen Anne Primary School, Bankstown • SSD-16558521
<p>Site details</p>	<p>The Site</p> <p>The primary school site is identified as follows:</p> <ul style="list-style-type: none"> • No. 40 Restwell Street, Bankstown – Lot 1 in DP 588229 • LGA: Canterbury Bankstown Council • Site Plan/Aerial – below:  <ul style="list-style-type: none"> • The site is located within the Bankstown CBD. • The site does not contain any identified Existing Native Vegetation (ENV). • The site is not land identified as containing Biodiversity Values by the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act).
<p>Proposed development</p>	<ul style="list-style-type: none"> • The proposal involves internal alterations to an existing commercial building for use as an education facility. • The proposed facility will include a Primary School for Kindergarten to Year 6 during weekdays throughout the school year. • The proposed educational establishment is to be known as Queen Anne Primary School <p>Site Plan for Primary School:</p> 
<p>Impacts on biodiversity values</p>	<ul style="list-style-type: none"> • Completed TABLE 2 below

TABLE 2: Impacts of the proposed development on biodiversity values

Biodiversity value	Meaning	Relevant (✓or NA)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attach additional supporting documentation where appropriate
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	N/A	 <p>The existing site does not contain any vegetation. The proposal therefore does not impact on native vegetation.</p>
Vegetation integrity 1.5(2)(a) 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	N/A	The site is located within Bankstown CBD and contains a commercial building with hardstand areas surrounding the building. The site has been significantly disturbed and does not contain any vegetation. The surrounding landscape is similar with a scattering of mature trees and grassed areas throughout the CBD.
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	N/A	As detailed above the proposed development is not located on that land identified as containing native vegetation.
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	N/A	As detailed above the proposed development is not located on land identified as containing native vegetation.
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	N/A	As detailed above the proposed development is not located on land identified as containing native vegetation.

Biodiversity value	Meaning	Relevant (✓ or NA)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attach additional supporting documentation where appropriate
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	N/A	As detailed above the proposed development is not located on land identified as containing native vegetation.
Flight path integrity 1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference		As detailed above the proposed development is not located on land identified as containing native vegetation. The proposal which involves reuse of a building will not impact on flight paths of protected animals.
Water sustainability 1.4(f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	N/A	As detailed above the proposed development is not located on land identified as containing native vegetation. The proposal will not adversely impact on water quality, water bodies and hydrological processes.