

Department of Planning Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

20 December 2021

Dear Sir/Madam,

SSD-31552370 Hale Capital 42-52 Raymond Avenue Matraville - BDAR WAIVER

Hale Capital Partners Pty Ltd (the proponent) is seeking a Biodiversity Development Assessment Report (BDAR) Waiver under s7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) for the proposed development at 42-52 Raymond Avenue, Matraville (SSD-31552370).

The Planning Secretary's Environmental Assessment Requirements for Warehouses and Distribution centres (SEARs) for the SSD-31552370 application were issued on 18 November 2021.

Key issue no. 9 of the SEARs requires the proponent to:

Assess any biodiversity impacts associated with the development in accordance with the *Biodiversity Conservation Act 2016* and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land.

On behalf of the proponent, the enclosed information addresses the information requirements in Tables 1 and 2 at Attachment A of the Department's guidance document 'How to apply for a biodiversity development assessment report waiver for a Major Project Application.' (DPIE, 2019).

We trust that the enclosed information sufficiently justifies why the requested BDAR Waiver under s7.9(2) of the BC Act can be approved.

Yours faithfully,



Kat Duchatel
BSc. Env. CEnvP EIANZ no. 691
BAM Accreditation no. BAAS17054

Encl:

- Table 1 and Table 2: (Attachment A, DPIE, 2019 - information required)

Table 1. Biodiversity development assessment report waiver request information

Administration	<p>Proponent name Hale Capital Partners Pty Ltd</p> <p>Contact details Alana Garrick, Development Manager +61 400 071 707 alana.garrick@halecp.com</p> <p>Project ID SSD-31552370</p> <p>Name and ecological qualifications of person completing Table 2. Kat Duchatel BSc. Env. BAAS No.17054 CEnvP EIANZ No.691</p>
Site details	<p>42-52 Raymond Avenue, Matraville, within the Randwick City Council LGA.</p> <p>The site is legally described as Lot 1 in Deposited Plan 369888, Lot 32 Sec B Deposited Plan 8313 and Lot 1 Deposited Plan 511092 and Lot 2 in Deposited Plan 1082623.</p>
Proposed development	<p>The proposal comprises the redevelopment of the site as summarised below:</p> <ul style="list-style-type: none"> • Construction, fit out and operation of a two-storey warehouse and distribution centre comprising approximately 19,460 m² GFA including: <ul style="list-style-type: none"> - 17,789 m² of warehouse and distribution GFA; and - 1,671 m² GFA ancillary office space. • Provision of 11 bicycle parking spaces and 101 car parking spaces at ground. • Approximately 2,211 m² of hard and soft landscaping at ground. • Provision of one additional access crossover from Raymond Avenue. • Provision of internal vehicle access route and loading docks. • Upgrades to existing on-site infrastructure. • Building identification signage. • Operation 24 hours per day seven days per week.
Impacts on biodiversity values	<p>The subject site is located within a highly urbanised and disturbed environment and is surrounded by existing industrial development.</p> <p>Concrete lined channels form the subject site’s boundaries from the northwest to southwest (Sydney Water’s Bunnerong Stormwater Channel No. 11) and southeast to southwest (the southern basin).</p> <p>The southern basin is located immediately adjacent the developable area of the subject site (see Figure 1).</p> <p>Native vegetation within the subject site is limited to two large fig trees (<i>Ficus macrophylla</i> var <i>hillii</i>) and four Norfolk Pines (<i>Araucaria heterophylla</i>).</p> <p>All trees are located within southern basin lot being Lot 2 in Deposited Plan 1082623.</p> <p>The proposal requires the removal of one fig tree as identified in Photo Plate 1.</p> <p>The remaining trees will not be disturbed or otherwise impacted by the proposal.</p>

Other vegetation within the subject site is limited to weed growth along the boundary to the Bunnerong Stormwater Channel No. 11 and on the embankment of the southern basin.

Review of historical imagery and the natural occurrence of these species, provides evidence that all trees were planted and are not representative of a naturally occurring vegetation community within the locality.

The tree proposed for removal is located immediately adjacent a fire sprinkler tank and walls of the adjacent property.

The tree has historically had branches lopped to reduce encroachment over the sprinkler tank and adjacent building and would require continued lopping over time should it remain (refer photo plates enclosed).

The proposal does not exceed the NSW Biodiversity Offset Scheme thresholds, as follows:

- The subject site does not involve clearing of native vegetation that would exceed the lot area threshold; and
- The subject site does not occur on an area mapped on the Biodiversity Values map.

When fruiting, the fig trees provide potential foraging habitat for *Pteropus poliocephalus* (grey-headed flying-fox), which is listed as a vulnerable species under both State and Commonwealth legislation (the BC Act and EPBC Act respectively).

A 'test of significance' under the BC Act and 'significance of impact assessment' under the EPBC Act have both concluded that the proposal would not have a significant impact on the grey-headed flying-fox, any threatened ecological communities, or other threatened species or populations.

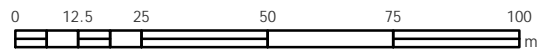
The 'test of significance' and 'significance of impact assessment' are enclosed to this application in Attachment 1 and 2 (respectively).



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Coordinate System: MGA Zone 56 (GDA 2020)
Image source: Nearmap 6 October 2021

 Subject_site



42 Raymond Ave, Matraville

Figure 1. Subject site

Table 2. Impacts of the proposed development on biodiversity values

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	<p>Native vegetation within the subject site is limited to two large fig trees (<i>Ficus macrophylla</i> var <i>hillii</i>) and four Norfolk Pines (<i>Araucaria heterophylla</i>).</p> <p><i>Ficus macrophylla</i> var <i>hillii</i> naturally occurs in rainforest habitat and is not a locally endemic species. <i>Araucaria heterophylla</i> is endemic to Norfolk Island, an external territory of Australia located in the Pacific Ocean between New Zealand and New Caledonia. Both species have been widely cultivated and planted in Sydney.</p> <p>Plant community types (PCTs) endemic to the locality as mapped in the SydneyMetroArea_v3_2016_E_4489 vegetation mapping (OEH, 2016) includes the following:</p> <ul style="list-style-type: none"> • Coastal freshwater wetland (PCT 781) and Coastal freshwater swamp forest (PCT 1232); • Coastal mantle heath (PCT 664) and Coastal sandplain heath (PCT 1061); <p>The subject site does not contain any wetland habitat that would support PCTs 781 or 1232. Constituent species of PCTs 664 and 1061 are not present within the subject site, for example:</p> <ul style="list-style-type: none"> • PCT 664 has an upper stratum of <i>Angophora costata</i>; <i>Corymbia gummifera</i>; mid stratum of <i>Leptospermum laevigatum</i>; <i>Banksia aemula</i>; <i>Lambertia formosa</i>; <i>Woollsia pungens</i>; <i>Acacia suaveolens</i>; <i>Banksia ericifolia</i>; <i>Monotoca elliptica</i>; <i>Allocasuarina distyla</i>; <i>Bossiaea heterophylla</i>; <i>Dillwynia retorta</i>; <i>Philothea buxifolia</i>; and ground stratum of <i>Xanthorrhoea resinosa</i>; <i>Dampiera stricta</i>; <i>Haemodorum planifolium</i>; <i>Lepidosperma laterale</i>; <i>Lomandra glauca</i>; <i>Xanthosia pilosa</i>; <i>Hypolaena fastigiata</i>; <i>Pteridium esculentum</i>; <i>Lomandra longifolia</i>; <i>Eragrostis brownii</i>; <i>Schoenus ericetorum</i>. • PCT 1061 has an upper stratum of <i>Corymbia gummifera</i>; mid stratum of <i>Banksia serrata</i>; <i>Bossiaea ensata</i>; <i>Acacia suaveolens</i>; <i>Ricinocarpos pinifolius</i>; <i>Isopogon anemonifolius</i>; <i>Lambertia formosa</i>; <i>Allocasuarina distyla</i>; <i>Leptospermum laevigatum</i>; <i>Bossiaea heterophylla</i>; <i>Persoonia levis</i>; <i>Pimelea linifolia</i>; and ground stratum of <i>Xanthosia pilosa</i>; <i>Gonocarpus teucrioides</i>; <i>Hypolaena fastigiata</i>; <i>Lomandra glauca</i>; <i>Dampiera stricta</i>; <i>Lepidosperma concavum</i>.

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
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	<p>Historical imagery shows the subject site completely cleared in 1942, with adjacent lot development evident by the 1960s. Both fig and Norfolk pine trees are evident by the 1970s and thought to have been planted sometime in the 1960s.</p> <p>The building present on the subject site was decommissioned and removed in 2020, with a concrete slab remaining that covers the entire site (as shown in Figure 1 and photographic plates enclosed). Other vegetation within the subject site is limited to weed growth along the west and southern boundaries (refer photo plates enclosed).</p>
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	<p>Fig trees when fruiting provide foraging habitat for <i>Pteropus poliocephalus</i> (grey-headed flying-fox), which is listed as a vulnerable species under both State and Commonwealth legislation (the BC Act and EPBC Act respectively). The fig trees within the subject site are not considered to provide habitat of importance to the grey-headed flying-fox due as they occur in isolation within a developed environment and are not located near any known important breeding or roosting colonies of the species.</p> <p>The southern basin is artificially constructed and contains a floating stormwater boom, which is periodically cleaned of gross pollutants (see photo plate 8). This maintenance regime substantially limits the potential for the basin to provide aquatic habitat.</p>
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	<p>There is no known occurrence of threatened species or threatened ecological communities within the subject site and its immediate surrounds. Native vegetation within the locality is limited to street plantings and industrial lot landscaping, which is categorised as ‘Urban_E/N: Urban Exotic/Native’ in SydneyMetroArea_v3_2016_E_4489 vegetation mapping (OEH, 2016). See Figure 2 and Figure 3.</p>
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	<p>The subject site does not connect any different areas of habitat.</p> <p>Figure 2 shows the extent of native vegetation mapped within the locality</p>

Table 2 (Attachment A, DPIE, 2019)

Biodiversity value	Meaning	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
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	<p>The subject site does not contribute to the movement of any threatened species that would be required to maintain their lifecycle.</p> <p>Figure 3 shows the large number of records for the grey headed flying-fox, along with records of threatened bird species and other threatened fauna (microbat and marine species) within the locality.</p> <p>No ground dwelling threatened species are known from the locality.</p>
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	<p>The proposal will not affect flight path integrity.</p>
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	<p>The subject site does not contain any water bodies that sustain threatened species and threatened ecological communities. Water quality and quantity will be managed in accordance with an Integrated Water Management Plan for the development to the satisfaction of the Department of Planning, Industry and Environment. The Integrated Water Management Plan will:</p> <ul style="list-style-type: none"> • Be prepared in consultation with the local council and any other relevant drainage or water authority (i.e., Sydney Water). • Detail the proposed drainage design for the site including any on-site detention facilities[#], water quality management measures and the nominated discharge points, on-site sewage management, and measures to treat, reuse or dispose of water. Demonstrate compliance with the local council or other drainage or water authority requirements and avoids adverse impacts on any downstream properties. <p>[#] on-site detention facilities are not required for the proposed development.</p>

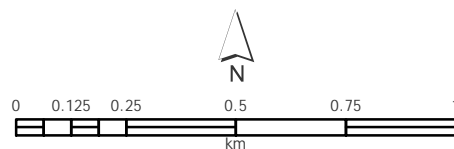


42 Raymond Ave, Matraville

Figure 2. Biodiversity context

Legend

-  Subject_site
-  Native vegetation







Coordinate System: MGA Zone 56 (GDA 2020)

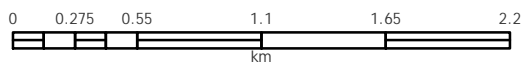
Image source: Nearmap 6 October 2021

Data source: SydneyMetroArea_v2_1_2016_E_4489



Legend

-  Subject_site
-  Grey-headed flying-fox
-  Threatened fauna records
-  Threatened bird species



42 Raymond Ave, Matraville

Figure 3. Threatened species

Coordinate System: MGA Zone 56 (GDA 2020)

Image source: Nearmap 6 October 2021

Data source: Bionet Atlas Database



Photo plate 1: Fig tree to be removed (in red), fig tree to be retained (in yellow) and Norfolk pines to be retained (in orange)



Photo plate 2: Fig and Norfolk pine trees in background viewed from north



Photo plate 3: Fig tree to be removed



Photo plate 5: East boundary viewed from north



Photo plate 6: East boundary viewed from west



Photo plate 7: West boundary viewed from north



Photo plate 8: Southern basin boundary viewed from east



Photo plate 9: Panorama of site viewed from northeastern corner

1 Attachment A. Test of Significance

Purpose

Threatened species impact assessment is an integral part of environmental impact assessment. The objective of section 7.3 of the BC Act, the test of significance provides a standardised and transparent consideration of threatened species and ecological communities, and their habitats, through the development assessment process.

Terminology

Subject site means the area directly affected by the proposal. The subject site includes the footprint of the development and any ancillary works, facilities, accesses or hazard reduction zones that support the construction or operation of the development or activity.

Study area means the subject site and any additional areas which are likely to be affected by the proposal, either directly or indirectly. The study area should extend as far as is necessary to take all potential impacts into account.

Direct impacts are those that directly affect the habitat of species and ecological communities and of individuals using the study area. They include, but are not limited to, death through predation, trampling, poisoning of the animal/plant itself and the removal of suitable habitat.

Indirect impacts occur when project-related activities affect species or ecological communities in a manner other than direct loss within the subject site. Indirect impacts can include loss of individuals through starvation, exposure, predation by domestic and/or feral animals, loss of breeding opportunities, loss of shade/shelter, reduction in viability of adjacent habitat due to edge effects, deleterious hydrological changes, increased soil salinity, erosion, inhibition of nitrogen fixation, weed invasion, noise, light spill, fertiliser drift, or increased human activity within or directly adjacent to sensitive habitat areas.

Subject site description

The subject site is located within a highly urbanised and disturbed environment and is surrounded by existing industrial development. Concrete lined channels form the subject site's boundaries from the northwest to southwest (Sydney Water's Bunnerong Stormwater Channel No. 11) and southeast to southwest (the southern basin).

The southern basin is located immediately adjacent the developable area of the subject site (see Figure 1).

Native vegetation within the subject site is limited to two large fig trees (*Ficus macrophylla* var *hillii*) and four Norfolk Pines (*Araucaria heterophylla*).

All trees are located within southern basin lot being Lot 2 in Deposited Plan 1082623. The proposal requires the removal of one fig tree as identified in Photo Plate 1. The remaining trees will not be disturbed or otherwise impacted by the proposal.

Other vegetation within the subject site is limited to weed growth along the boundary to the Bunnerong Stormwater Channel No. 11 and on the embankment of the southern basin.

Fig trees when fruiting provide foraging habitat for *Pteropus poliocephalus* (Grey-headed flying-fox), which is listed as a vulnerable species under both State and Commonwealth legislation (the BC Act and EPBC Act respectively).

The subject site does not provide habitat for any other threatened species recorded from within a 10km search radius (of the subject site) returned from relevant government threatened species databases.

Section 7.3 of the BC Act “test of significance”

7.3 (1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The subject site is considered unlikely to have an adverse effect on the life cycle of the Grey-headed flying-fox due to the following:

- The two large fig trees within the subject site are relatively isolated within a developed environment; and
- While potential providing opportunistic foraging when fruiting, both trees are not located near any known important breeding or roosting colonies of the species.

The subject site does not contain any naturally occurring or man-made habitat for any other threatened species.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

NOT APPLICABLE

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

This assessment has concluded that the fig trees within the subject site do not provide habitat important to the Grey-headed flying-fox, or other potential threatened species or their habitat.

No direct or indirect significant impacts are considered likely as a result of any future development of the subject site, due to the following:

- Lack of suitable habitat for listed threatened species;
- Isolation of existing vegetation and lack of wildlife corridor movement; and
- Existing highly disturbed industrial based environment, surrounding roads and high frequency of urban traffic and resultant noise pollution).

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

NOT APPLICABLE

There are no declared areas of outstanding biodiversity within the subject site or study area.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Key threatening processes (KTPs) that may be applicable to any future development of the subject include:

- Clearing of native vegetation (as defined and described in the final determination of the Scientific Committee to list the key threatening process)

The impact on native vegetation that may result is not considered to cause an increase in the above KTP. This is due to the artificial nature of the subject site and isolated location of vegetation within a highly urbanised environment.

Conclusion:

Future development of the subject site is highly unlikely to have a significant impact on any threatened species and ecological communities, and their habitats

2 Attachment B. Significance of Impact (EPBC Act)

Under the EPBC Act, an action will require approval from the Australian Government Environment Minister (the minister) if the action has, will have, or is likely to have, a significant impact on a matter of national environmental significance.

The Matters of National Environmental Significance - Significant Impact Guidelines 1.1 EPBC Act 2013 (the guidelines) outline the criteria that must be considered to determine whether or not a referral is required.

The fig trees within the subject site have the potential to provide foraging habitat for the Grey-headed flying-fox, which is listed as a vulnerable species under the EPBC Act. The subject site does not contain any naturally occurring or man-made habitat for any other threatened species.

The significant impact criteria for a vulnerable species under the guidelines are addressed herein.

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

- **Lead to a long-term decrease in the size of an important population of a species**
Not applicable: the subject site does not provide habitat for an important population of the Grey-headed flying-fox
- **Fragment an existing important population into two or more populations**
Not applicable: the subject site does not provide habitat for an important population of the Grey-headed flying-fox and therefore will not fragment an existing important population
- **Adversely affect habitat critical to the survival of a species**
Not applicable: the subject site does not provide habitat critical to the survival of the Grey-headed flying-fox
- **Disrupt the breeding cycle of an important population**
Not applicable: the subject site does not provide habitat for an important population of the Grey-headed flying-fox
- **Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline**
Not applicable: the subject site only contains potential opportunistic foraging habitat for the species
- **Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat**
Not applicable: there are no reported invasive species that are harmful to the species and the subject site does not provide habitat that is important to the species
- **Introduce disease that may cause the species to decline, or**
Not applicable: there are no reported diseases that may cause the species to decline
- **Interfere substantially with the recovery of the species.**
Not applicable: there is currently no recovery plan in place for the species.

Conclusion:

Any future development of the subject site would not have a significant impact on a matter of national environmental significance.