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TSA Management
Level 15, 207 Kent Street
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Supplied by email

12 March 2019

Re: Request to waive the need for a BDAR, 48 Broadhead Road (Lot 40 // DP756894), Spring Flats, NSW

Dear Tom,

The Masterplan for the proposed construction of a new campus for St Matthews Catholic College, Mudgee ('the project') is to be assessed as a State Significant Development (SSD) under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). In March 2019, the Secretary's Environmental Assessment Requirements (SEARs) (SSD 19_9872) for the Masterplan were received from the NSW Department of Planning and Environment (DPE). The SEARs required the biodiversity impacts to be assessed in accordance with the Biodiversity Assessment Method ('BAM'; OEH 2017) and documented in a Biodiversity Development Assessment Report (BDAR). Biodiversity assessment required for an SSD is described in Section 7.9 of the NSW *Biodiversity Conservation Act 2016* (BC Act). Clause 2 of Section 7.9 indicates that an application for development consent for an SSD:

"...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.

This letter has been prepared to provide information for the Planning Agency Head and the Environment Agency Head to assist them in determining whether the development is likely to have any significant impact on biodiversity values and whether a BDAR is required for the proposed development.

Biodiversity values are defined in Section 1.5 of the BC Act and Clause 1.4 of the NSW Biodiversity Conservation Regulation 2017 (BC Reg) as the following:

Vegetation integrity – being the 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,

Habitat suitability – being the degree to which the habitat needs of threatened species are present at a particular site,

Threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,

Vegetation abundance – being the occurrence and abundance of vegetation at a particular site,

Habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,

Threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,

Flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference, and

Water sustainability – being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.

Site location and description

The study area for this report and the project covers a total area of approximately 12 ha comprising a single lot (Lot 40 // DP756894). The study area is regular in shape and is bound by Bruce Road to the south, Broadhead Road to the west and cleared grazing land to the north and east (**Figure 1**). The subject land, which is defined as only those portions of the study area which would be impacted directly or indirectly by the project, is based upon the masterplan and occupies an area of approximately 8.2 ha within the south-eastern portions of the study area (**Figure 1**).

The study area currently supports large areas of cleared land with a small area of native woodland vegetation in the north-west. The study area is relatively flat and generally slopes to the north-east. One mapped drainage line, Sawpit Gully, a 4th order drainage line, is present within the study area and flows across the north-western portion of the study area (**Figure 1**). The area of native woodland and Sawpit Gully, including the associated riparian buffer calculated in accordance with Appendix 3 of the Biodiversity Assessment Method (OEH 2017) and the NSW *Water Management Act 2000* (WM Act), are outside of the footprint for the proposed development and do not form part of the subject land (**Figure 1**).

Sawpit Gully and the associated riparian buffer is mapped as 'Biodiversity Values' on the NSW Biodiversity Values Map and Offset Tool (OEH 2019). No part of the subject land is mapped as Biodiversity Values on this map (**Figure 1**).

The proposed development

The original St Matthews school was built in 1912 at Lewis Street in the centre of Mudgee. Increased enrolments and the physical constraints of the current school site have led to



overcrowding and the new secondary campus of St Matthews Catholic School is proposed to be constructed at 48 Broadhead Road (Lot 40 // DP756894), Spring Flat, NSW.

The proposed development (**Figure 1** and **Figure 2**) includes a cluster of seven low-rise school buildings to accommodate 600 secondary students and staff. A number of additional buildings and built infrastructure is proposed including car park and bus drop-off area with access to / from Bruce Road, teaching and learning spaces, a library, a sports oval and services and infrastructure including perimeter roadworks, site stormwater and drainage and civil engineering works.

Assessment of biodiversity values of the subject land

An assessment of the biodiversity values of the subject land, as defined in Section 1.5 of the BC Act and Clause 1.4 of the BC Reg, is included in **Appendix A**. The footprint of the proposed school has been located in order to avoid any direct or indirect impacts to areas of native woodland and riparian corridors within the study area. The proposed footprint and the subject land for this assessment includes impacts to areas of exotic dominated grasslands with very limited biodiversity values (as outlined in **Appendix A**) and is not likely to have any significant impact on biodiversity values. As such a 'waiver' under Section 7.9 of the BC Act is requested such that a Biodiversity Development Assessment Report (BDAR) is not required for the proposed development.

If you have any queries regarding any of this information, please do not hesitate to contact me.

Yours sincerely,



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References

NSW Office of Environment and Heritage (OEH) (2017). Biodiversity Assessment Method. Office of Environment and Heritage for the NSW Government.

NSW Office of Environment and Heritage (OEH) (2019). Biodiversity Values Map. Accessed online (25/01/2019): <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>.





Figure 1: The proposed development



Figure 2: The proposed development and vegetation communities

Appendix A Biodiversity values within the subject land

Legislation criteria	Values within the subject land
<i>NSW Biodiversity Conservation Act 2016 (Clause 1.5)</i>	
<p>2a) vegetation integrity - being the 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>	<p>The vegetation integrity on the subject land is very low. Native vegetation across the subject land has been heavily impacted by historic clearing and a long history of grazing. While there are some hardy native understorey species present, the vegetation does not contain the structure or function of a vegetation community in a natural or near natural state.</p> <p>The subject land supported grasslands dominated by exotic grass species including <i>Paspalum dilatatum</i>* (Paspalum), <i>Cenchrus clandestinus</i>* (Kikuyu), <i>Carthamus lanatus</i>* (Saffron Thistle) and <i>Centaurea solstitialis</i>* (St Barnabys Thistle) with relatively few native species present with low foliage cover and abundance including <i>Paspalidium distans</i>, <i>Sporobolus creber</i> (Slender Rat's Tail Grass) and <i>Rytidosperma</i> sp. (Wallaby Grass). No native canopy or shrub layer vegetation is present within the subject land. Along the western and southern boundaries of the site, the exotic grasslands included planted windrows with non-local native eucalyptus species including <i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint).</p> <p>Native woodland within the study area was limited to an area of approximately 0.5 ha in the north-western corner, with no native woodland present within the subject land (Figure 3). The native woodland within the study area consisted of mature <i>Eucalyptus albens x moluccana</i> (White Box x Coastal Grey Box) over a predominately exotic understorey. The woodland vegetation within the site was identified as being broadly consistent with Plant Community Type 274 ('White Box - Rough-barked Apple alluvial woodland of the NSW central western slopes including in the Mudgee region') which forms part of the 'White Box Yellow Box Blakely's Red Gum Woodland' Endangered Ecological Community listed under the <i>NSW Biodiversity Conservation Act 2016</i> (BC Act). This vegetation does not form part of the critically endangered ecological community listed under the Commonwealth's <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) as it does not meet the minimum condition thresholds for the community as listed under the EPBC Act.</p> <p>The current proposed development does not include any impacts to woodland vegetation within the study area, with impacts limited to areas of exotic grassland across the subject land.</p>



Legislation criteria	Values within the subject land
<p>b) habitat suitability - being the degree to which the habitat needs of threatened species are present at a particular site</p>	<p>As part of the site inspections, targeted surveys were undertaken for threatened flora. These surveys involved traverses of the entire site and, in particular, targeted threatened species previously recorded within 10 km of the study area including <i>Acacia ausfeldii</i> (Ausfeld's Wattle), <i>Dichanthium setosum</i> (Bluegrass), <i>Eucalyptus cannonii</i> (Capertee Stringybark), <i>Leucochrysum albicans</i> var. <i>tricolor</i> (Hoary Sunray), <i>Swainsona recta</i> (Small Purple-pea) and <i>Swainsona sericea</i> (Silky Swainson-pea). It is noted that the survey timing did not coincide with the flowering period and nominated survey period for <i>Swainsona recta</i> and <i>S. sericea</i>. No threatened flora species were observed during surveys on the site and, based upon the highly modified nature of the habitat present and the surveys conducted, it is unlikely that any threatened flora species are present within the study area.</p> <p>Threatened fauna species which may potentially utilise the subject land and study area have been identified (Appendix B) based upon species previously recorded within a 10 km radius of the study area and those species predicted to occur in association with the Inland Slopes IBRA subregion and the PCT present within the study area (PCT 274; OEH 2019). The habitat within the subject land is unsuitable for threatened fauna species predicted to occur within the locality. The exotic grasslands within the subject land do not include the habitat complexity, micro-habitats and ecological features utilised by these threatened fauna species including hollow-bearing trees, fallen logs, rocky outcrops or canopy and shrub layer vegetation.</p>
<p>NSW Biodiversity Conservation Regulation 2017 (Clause 1.4)</p>	
<p>a) threatened species abundance - being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site</p>	<p>No threatened ecological communities occur within the subject land, with vegetation limited to exotic dominated grasslands as a result of historic clearing and grazing across the subject land. It is likely that the subject land previously supported vegetation equivalent to the Endangered Ecological Community '<i>White Box Yellow Box Blakely's Red Gum Woodland</i>', however, as outlined in 2a above, the vegetation within the subject land has been highly modified and occurrences of this community are no longer present within the subject land.</p> <p>Very limited areas of potential habitat for threatened flora occur within the subject land, however, targeted surveys have been conducted across the subject land and no threatened flora species were recorded. The absence of these species is likely due to the high level of disturbance and modification of the subject land.</p>

Legislation criteria	Values within the subject land
	<p>As outlined above, the habitat within the subject land is unsuitable for threatened fauna species predicted to occur within the locality. The exotic grasslands within the subject land do not include the micro-habitats and ecological features utilised by these threatened fauna species including hollow-bearing trees, fallen logs, rocky outcrops or canopy and shrub layer vegetation.</p>
<p>b) vegetation abundance - being the occurrence and abundance of vegetation at a particular site</p>	<p>The vegetation within the subject land is highly modified and not in a natural or near-natural state. It consists of exotic dominated grasslands with no native canopy or shrub layer species and only occasional hardy understorey species at low abundance. The proposed development would only involve impacts to this highly modified vegetation, with no impacts proposed to areas of woodland outside the subject land but located within the study area.</p> <p>The impact of proposed development on vegetation abundance is negligible.</p>
<p>c) habitat connectivity - being the 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>	<p>The habitat within the study area is heavily degraded and fragmented from any surrounding areas of habitat. In its current state the subject land it unlikely to facilitate the movement of any threatened species across their range. Consequently, the proposed development is unlikely to impact habitat connectivity for any threatened species.</p>
<p>d) threatened species movement - being the degree to which a particular site contributes to the movement of</p>	<p>As outlined above, the heavily degraded habitat within the subject land is unlikely to provide habitat for threatened species and in its current state is unlikely to facilitate the movement of any threatened species across their range. Additionally, the degraded habitat within the subject land is widespread within the region. Consequently, the proposed development is unlikely to impact the movement of threatened species to maintain their lifecycle.</p>

Legislation criteria	Values within the subject land
threatened species to maintain their lifecycle	
e) flight path integrity - being the degree to which the flight paths of protected animals over a particular site are free from interference,	<p>The subject land has not been identified as being part of the flight path of any protect animals. Nonetheless, the proposed development includes construction of buildings from one to two storeys, which are similar to building height across the industrial and central districts of the Mudgee township. Consequently, the proposed development is unlikely to interfere with the flight path of any threatened species which currently utilise the subject land and the Mudgee area as a flight path.</p>
f) water sustainability - being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	<p>The study area includes a 4th order drainage line, Sawpit Gully, which enters the study area via a culvert under Broadhead Rd on the western boundary of the study area and flows in a north-easterly direction into a small dam (Plate 1). Overflows from this dam continue to flow north-east towards and beyond the northern boundary of the study area. Sawpit Gully and a 40 m buffer extending perpendicular from the top of bank, do not form part of the subject land for the proposed development and no impacts to this drainage line are proposed. The proposed works would involve establishment of a 40 m wide Vegetated Riparian Zone (VRZ) in accordance with the <i>Guidelines for controlled activities on waterfront land</i> (NSW DPI 2018).</p> <p>As no impacts are proposed to Sawpit gully and the associated 40 m wide riparian buffers, the proposed development is unlikely to impact water quality, water bodies or hydrological processes or threatened species and communities sustained by these abiotic factors.</p>

Appendix B Threatened species recorded within a 10 km radius of the subject land or associated with PCT 274

Scientific	Common Name	BC Act Status	EPBC Act Status	Number of Records within 10 km	Closest Record (km)	Most Recent record
BIRDS						
<i>Anthochaera phrygia</i>	Regent Honeyeater	CE	CE	7	1.4	31/12/2003
<i>Apus pacificus</i>	Fork-tailed Swift	-	M	1	2.8	19/03/2002
<i>Ardea ibis</i>	Cattle Egret	-	M	1	5.3	23/05/2001
<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V	-	1	4.1	18/03/2002
<i>Burhinus grallarius</i>	Bush Stone-curlew	E	-	0	-	-
<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo	V	-	0	-	-
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V	-	5	2.7	6/08/2016
<i>Chthonicola sagittata</i>	Speckled Warbler	V	-	0	-	-
<i>Circus assimilis</i>	Spotted Harrier	V	-	3	1.2	14/02/2005
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V	-	6	2.8	15/09/2015
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	-	1	2.1	24/04/2005
<i>Glossopsitta pusilla</i>	Little Lorikeet	V	-	2	2.8	19/05/2016
<i>Grantiella picta</i>	Painted Honeyeater	V	V	0	-	-
<i>Grus rubicunda</i>	Brolga	V	-	1	9.3	2/10/1996
<i>Hieraaetus morphnoides</i>	Little Eagle	V	-	0	-	-
<i>Hirundapus caudacutus</i>	White-throated Needletail		M	2	4.5	19/03/2002
<i>Lathamus discolor</i>	Swift Parrot	E	E	0	-	-
<i>Lophochroa leadbeateri</i>	Major Mitchell's Cockatoo	V	-	1	3.2	2/12/2007



Scientific	Common Name	BC Act Status	EPBC Act Status	Number of Records within 10 km	Closest Record (km)	Most Recent record
<i>Lophoictinia isura</i>	Square-tailed Kite	V	-	0	-	-
<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V	-	1	9.5	22/03/2002
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater	V	-	0	-	-
<i>Merops ornatus</i>	Rainbow Bee-eater	-	M	9	3.5	21/03/2002
<i>Neophema pulchella</i>	Turquoise Parrot	V	-	0	-	-
<i>Ninox connivens</i>	Barking Owl	V	-	1	2.8	31/10/1996
<i>Ninox strenua</i>	Powerful Owl	V	-	6	3.5	20/03/2002
<i>Petroica boodang</i>	Scarlet Robin	V	-	7	3.9	20/03/2002
<i>Petroica phoenicea</i>	Flame Robin	V	-	0	-	-
<i>Plegadis falcinellus</i>	Glossy Ibis	-	M	1	2.5	13/02/1983
<i>Polytelis swainsonii</i>	Superb Parrot	V	V	0	-	-
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V	-	1	1.5	9/03/2018
<i>Stagonopleura guttata</i>	Diamond Firetail	V	-	0	-	-
<i>Tyto novaehollandiae</i>	Masked Owl	V	-	0	-	-
Mammals						
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	0	-	-
<i>Chalinolobus picatus</i>	Little Pied Bat	V	-	0	-	-
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V	E	2	1.1	10/05/2010
<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	V	V	0	-	-
<i>Petaurus norfolcensis</i>	Squirrel Glider	V	-	0	-	-
<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	E	V	1	2.6	19/05/1996
<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	V	-	0	-	-



Scientific	Common Name	BC Act Status	EPBC Act Status	Number of Records within 10 km	Closest Record (km)	Most Recent record
<i>Phascolarctos cinereus</i>	Koala	V	V	9	2.7	30/06/2006
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	2	3.2	8/04/2014
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V	-	0	-	-
<i>Vespadelus troughtoni</i>	Eastern Cave Bat	V	-	0	-	-
REPTILES						
<i>Aprasia parapulchella</i>	Pink-tailed Legless Lizard	V	V	0	-	-
FLORA						
<i>Acacia ausfeldii</i>	Ausfeld's Wattle	V		690	0.5	8/03/2018
<i>Dichanthium setosum</i>	Bluegrass	V	V	2	0.9	28/02/1911
<i>Eucalyptus cannonii</i>	Capertee Stringybark	V	-	2	3.5	5/04/1995
<i>Euphrasia arguta</i>		CE	CE	0	-	-
<i>Leucochrysum albicans var. tricolor</i>	Hoary Sunray		E	19	2.6	18/11/2015
<i>Prasophyllum sp. Wybong</i> (Syn. <i>P. petilum</i>)	Tarengo Leek Orchid	-	CE	0	-	-
<i>Swainsona recta</i>	Small Purple-pea	E	E	540	2.3	14/09/2015
<i>Swainsona sericea</i>	Silky Swainson-pea	V	-	149	4.3	15/09/2015
<i>Zieria obcordata</i>		E	E	0	-	-

CE = Critically Endangered; E = Endangered; M = Migratory; V = Vulnerable;