

Our Ref: CEDB Mudgee

13 March 2019

Ms Carolyn McNally  
Secretary  
NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY, NSW 2001

Attention: Andrew Beattie

Dear Ms McNally

**RE: CATHOLIC EDUCATION DIOCESE OF BATHURST  
ST MATTHEWS CATHOLIC COLLEGE, MUDGEE (SSD 9872)  
LOT 40 DP 756894 – 48 BROADHEAD ROAD, SPRING FLAT (MUDGEE)  
BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT WAIVER REQUEST**

### **INTRODUCTION / PURPOSE**

This Biodiversity Development Assessment Report (BDAR) waiver request has been prepared on behalf of the Catholic Education Diocese of Bathurst (CEDB) with respect to a soon to be lodged State Significant Development Development Application (SSD DA) for the new St Matthews Catholic College at 48 Broadhead Road, Spring Flat (Mudgee) (SSD 9872).

In accordance with section 7.9(1) the *Biodiversity Conservation Act 2016*, any SSD DA must 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.

In 2018 NSW Department of Planning & Environment (DPE) advised that in instances where it is believed that a BDAR is not required, a waiver should be requested from the DPE prior to the lodgement of the SSD DA. DPE will liaise with the NSW Office of Environment & Heritage (OEH) to determine if a waiver is to be granted. Any waiver request is required to provide sufficient evidence to determine whether the proposed development is likely to have a significant impact on biodiversity values including a specific assessment against the relevant Biodiversity Values contained at Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

### **THE SUBJECT SITE, PROPOSED DEVELOPMENT AND CONTEXT**

The site is located at Lot 40 DP 756894 – 48 Broadhead Road, Spring Flat some 3km south-east of the centre of Mudgee. Whilst being a greenfield site it adjoins an area of semi-rural / semi-urban development and which has also been earmarked for future urban land release and residential development. Mudgee (and the site) sits within the Mid-Western Regional Council Local Government Area (LGA).

The site has frontages to both Broadhead Road (approx. 415m at the western boundary) and Bruce Road (approx. 300m to the southern boundary). The land has an area of approx. 12.14ha, and is generally level, undeveloped vacant rural land with a rectangular shape. See **Figure 1** over.

The site is subject to a mapped natural watercourse (Sawpit Gully) which is understood to be a 4th order stream and which traverses the site with a flow to the north through the site's north-western quadrant. Site drainage is affected by an inline dam.



<b>Legend</b> [Red outline] Subject land (Lot 40 // 756894)	NSW SW Slopes IBRA region Date produced: 18/01/2019 Datum: GDA 94 zone 55	0 50 100 Metres  ecoplanning ecology   planning   offsets
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Figure 1 – The development site / subject land

The site forms part of typical cleared lands for grazing at Mudgee's fringe. The few native tree species which occur on the north-western extremity of the site are 'White Box – Rough-barked Apple alluvial woodland' (PCT 274). Notwithstanding, the majority of the land is cleared grazing land predominantly vegetated with exotic grasses and planted trees lining the road frontages.

The proposed development as set out in the SEARs Request documentation is for a new K-12 school of which only the initial stage of development is subject of the SSD DA. This stage of development is required to initially accommodate 600 secondary school students with an ultimate comprehensive relocation to the new site as a K-12 school (accommodating a total of 1,230 students).

A Master Plan / Concept Design has been prepared to guide the project which seeks to provide the most efficient use of the site to provide facilities and services the school within a site area of approximately 9.0 ha of the site's total area of 12.14 ha. As shown in **Figure 2**, the development is generally confined to the south-eastern segment of the site, away from the 'White Box – Rough-barked Apple alluvial woodland' (PCT 274) and any 40m riparian buffer zone around Sawpit Gully.

The subject site, proposed development footprint and biodiversity context is shown over in **Figures 1-3** and as further detailed in the attached Ecoplanning Request to waive the need for a BDAR dated 12 March 2019.

## **BIODIVERSITY ASSESSMENT AND JUSTIFICATION FOR WAIVER**

Ecoplanning has undertaken both a Biodiversity Assessment and a Test of Significance under Section 7.3 of *Biodiversity Conservation Act 2016* in relation to the site and development. This assessment also addresses the requisite matters at Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

Ecoplanning's consideration of matters at Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017* concludes that due to the site's current and historically cleared and disturbed state, its limited biodiversity values, and the avoidance of impacts by the siting of the proposed development, that no BDAR is warranted.

See Ecoplanning's documentation and considerations and assessment attached.

## **CONCLUSION**

On the basis of the conclusions reached by Ecoplanning (12 March 2019) a BDAR waiver is warranted as:

- the vegetation integrity on the subject land is very low and native vegetation across the subject land has been heavily impacted by historic clearing and a long history of grazing;
- the native vegetation occurring within the site does not form part of the critically endangered ecological community listed under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as it does not meet the minimum condition thresholds for the community as listed under the EPBC Act;
- 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;
- 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;
- 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;
- the habitat within the subject land is unsuitable for threatened fauna species predicted to occur within the locality;

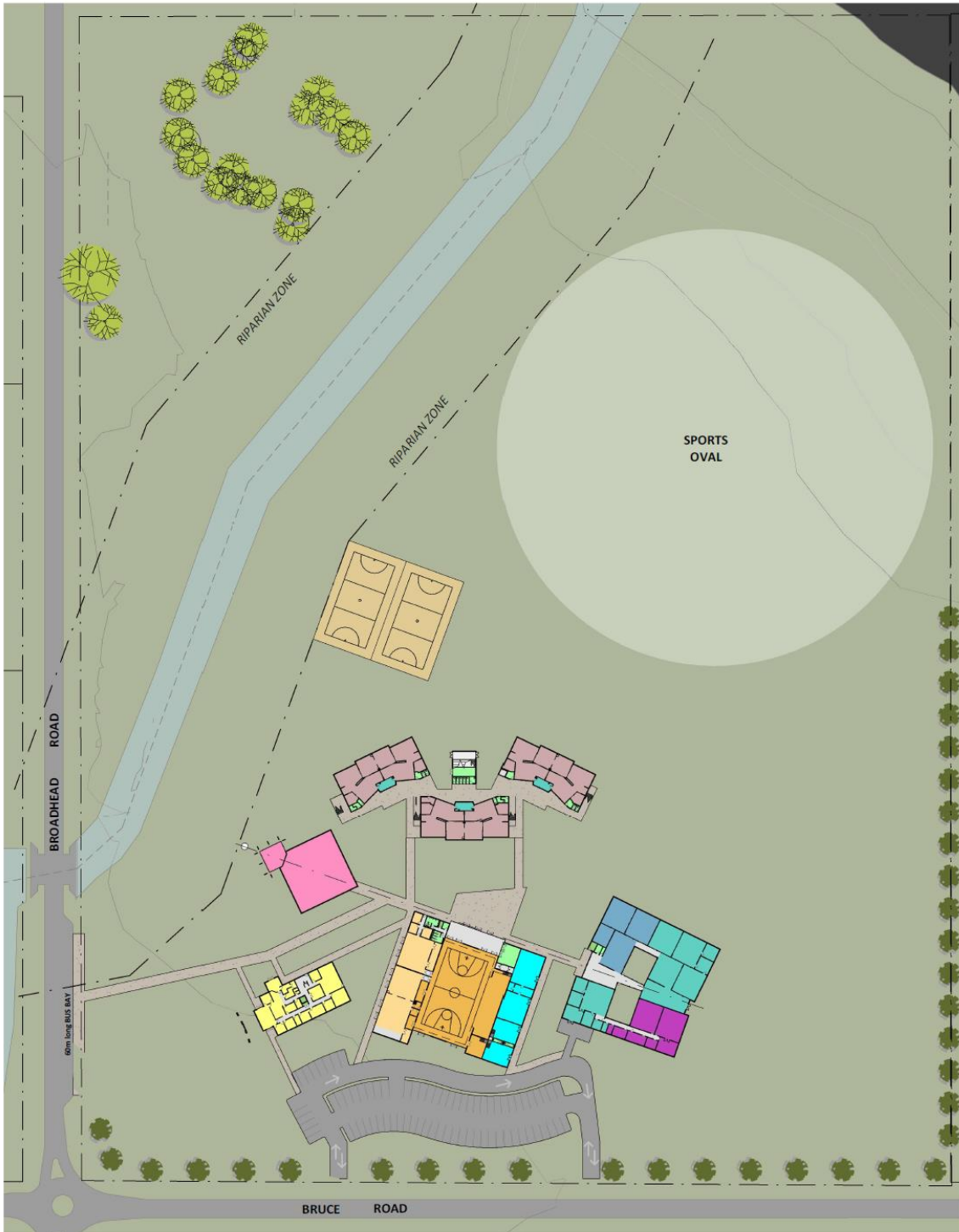


Figure 2 – Architectural Scheme / Development footprint

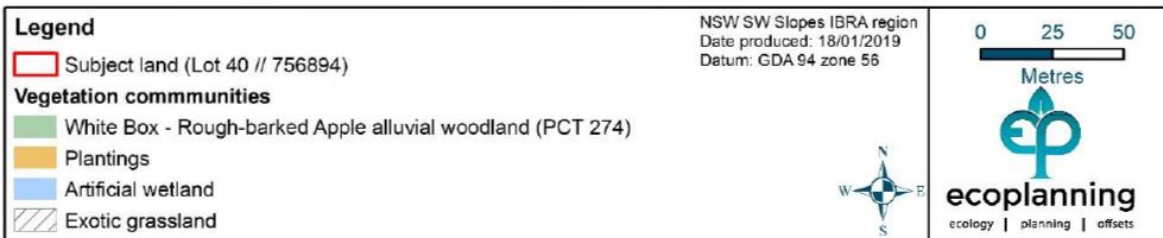
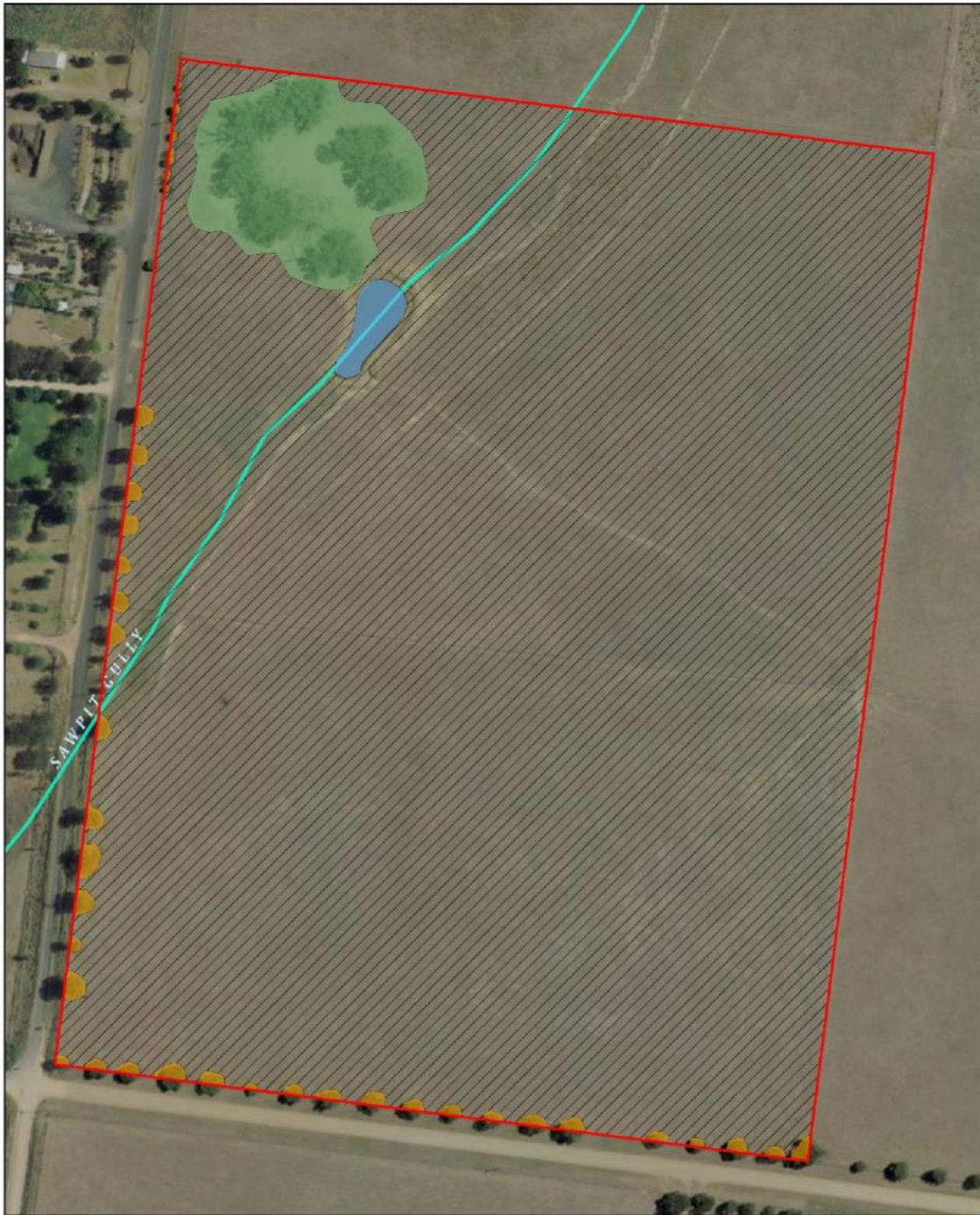


Figure 3 – Vegetation communities within the site

- the heavily degraded habitat within the subject land (and the region) 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;
- no areas of high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*, occur within the subject site;
- no nearby areas of mapped Biodiversity Value will be adversely (directly or indirectly) affected;
- no Areas of Outstanding Biodiversity Value listed under Part 3 of the *Biodiversity Conservation Regulation 2017* are present within, or close to, the proposed development; and
- the development is not expected to:
  - impact on any land that has been mapped as having biodiversity value (as per the NSW Government's biodiversity value map), or
  - result in the loss of more than 0.25 ha of native vegetation, or
  - have a significant effect on any threatened ecological community or species listed under the *Biodiversity Conservation Act 2016*.

It is accordingly concluded that a waiver for the need for a BDAR is both reasonable and appropriate in the circumstances.

We trust that the information detailed in this letter and its attachments is sufficient to enable the Secretary to issue the BDAR waiver. Should you have any questions or queries with respect to any of the above information, please don't hesitate to contact me on 0437 259 581.

Yours Sincerely



Oliver Klein  
Director  
\_planning Pty Ltd

Attachments:

- Ecoplanning Request to waive the need for a BDAR – dated 12 March 2019