

Ms Claire Muir  
Town Planning Advisor  
Health Infrastructure  
1 Reserve Road  
St Leonards NSW 2065

Dear Ms Muir,

**Subject: Request to waive the requirement for a biodiversity development assessment report (BDAR) under the *Biodiversity Conservation Act 2016* (BC Act) for The Children's Hospital at Westmead Multi-Storey Carpark (SSD-10434896).**

I refer to your request dated 16 October 2020 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of above referenced State significant development (SSD) application.

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) provides the following in relation to an application for SSD:

*"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 and Assessment Division of the Department of Planning, Industry and Environment (the Department).

Accordingly, I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 and considered the information provided in the assessment report prepared by Cumberland Ecology dated 20 August 2020. I have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR. A waiver under section 7.9 is therefore granted for the proposed development (being The Children's Hospital at Westmead Multi-Storey Carpark – SSD-10434896).

The delegated "Environment Agency Head" in the Environment, Energy and Science Group (EESG) of the Department has also granted a waiver in a letter dated 11 November 2020 and a copy of that letter is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Planning Secretary's Environmental Assessment Requirements submitted on 27 October 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 02 9274 6558 or via email to [kathryne.glover@planning.nsw.gov.au](mailto:kathryne.glover@planning.nsw.gov.au).

Yours sincerely,



25 November 2020

Karen Harragon  
**Director, Social and Infrastructure Assessments**  
**As delegate of the Secretary**

Our ref: DOC20/896949

Senders ref: SSD 10434896 (City of Parramatta)

Kathryne Glover  
Social and Other Infrastructure Assessments  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

Dear Ms Glover,

**Request for Biodiversity Development Assessment Report Waiver for Westmead Children's Hospital Multi-Storey Carpark, 178 Hawkesbury Road, Westmead (SSD10434896)**

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development Application for Westmead Children's Hospital Multi-Storey Carpark, 178 Hawkesbury Road, Westmead.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Cumberland Ecology dated 20 August 2020 and determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by EES. The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or [Bronwyn.smith@environment.nsw.gov.au](mailto:Bronwyn.smith@environment.nsw.gov.au)

Yours sincerely



11/11/2020

**Daylan Cameron**  
**A/Director Greater Sydney**  
**Biodiversity and Conservation**  
**Environment, Energy and Science**

encl    1. EES, DPIE determination  
          2. EES, DPIE recommendation report

## BDAR waiver decision report

**Project Name:** Proposed Development – Children’s Hospital Westmead Multi-Storey Car Park

**SSI/SSD Application Number:** SSD 10434896

**Proponent:** Health Infrastructure

**Date request received:** 30 October 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	✓	<p>The subject land has been largely cleared and is predominately comprised of plantings of exotic, non-endemic natives and planted local endemics. All trees to be removed comprise planted individuals. Furthermore, the subject land is located in a highly modified/urbanised area.</p> <p>It is anticipated that the project will result in the impact of approximately 0.952 ha of vegetation comprising 0.464 ha of planted native vegetation and 0.488 ha of exotic vegetation.</p>	Based on this information, it is unlikely that there is any remnant vegetation at the site.
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	✓	<p>Based on a review of historical aerial imagery from 1943 (NSW Government Spatial Services 2020), trees were almost entirely absent from the subject land prior to that time. The vegetation across the subject land has been significantly altered from its original state and the majority of the trees found within the subject land are either exotic, non-endemic natives or planted local endemics. No remnant trees occur, and all are considered to have been planted as part of landscaping, due to their presence in defined garden beds, or in a parkland/paved setting.</p> <p>Based upon the results of floristic surveys, it has been concluded that the existing vegetation of the subject land is largely comprised of planted native vegetation and exotic vegetation within garden beds and in rows. Although patches of vegetation dominated by locally endemic trees show some conformity to PCT 1800 (being Swamp Oak), this is limited to a best-fit based on planted trees only. With consideration of the above, the composition, structure and function of vegetation within the subject land and the surrounding landscape are considered to have been altered significantly from a natural state.</p>	This conclusion is supported. The site does not contain vegetation in a natural state.
Habitat suitability	Degree to which the habitat	✓	The subject land has little potential to provide habitat for threatened species other than highly mobile, aerial species. Threatened species with the highest likelihood to	This conclusion is supported. The site is unlikely to provide

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
1.5(2)(b) BC Act 6.1(1)(a) BC Regulation	needs of threatened species are present at a particular site		utilise the subject land include the Grey-headed Flying-fox, the Powerful Owl and microchiropteran bats. These highly mobile species may occasionally and opportunistically utilise the limited foraging resources of the subject land as part of a larger foraging range.	habitat suitable for threatened species. This includes microbats, which have been adequately considered.
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	✓	No TECs or threatened species were observed during the site inspection. Only highly mobile, aerial threatened species would be expected to utilise the foraging resources of the subject land occasionally and opportunistically.	This conclusion is supported. The site is likely to only provide marginal habitat for highly mobile fauna.
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 existing vegetation within the subject land may marginally contribute to habitat connectivity throughout the largely cleared and artificial landscape that dominates the locality. Trees within the subject land and its immediate surroundings may function as stepping stone habitat for highly mobile fauna, providing a degree of habitat connectivity between parks such as Toongabbie Creek riparian corridor, Parramatta Park and the Parramatta River riparian corridor.  In addition, the future landscaping will result in replacement planting for the trees to be removed. Therefore, the connectivity value of the subject land will remain consistent with current conditions.	This conclusion is supported. The only connectivity values on site are from planted trees, which are to be replaced.
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	✓	As above, the subject land does not contribute to the movement of threatened species other than highly mobile, aerial species. Impacts associated with the project would not be expected to have any impact on the lifecycle of such species.	This conclusion is supported. The proposal is unlikely to impact on the movement of threatened species.

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
	maintain their lifecycle			
Flight path integrity  1.4(e) BC Act 6.1(1)(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	✓	The project will increase the building heights to some extent, although the existing buildings are already multi-storey structures. Subsequently the project is not expected to impact upon free-flying animals (threatened or otherwise) by interfering with flight paths.	This conclusion is supported, the proposal is unlikely to impact upon the flight paths of any species.
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.	✓	<p>No natural or artificial watercourse exists within the subject land. Toongabbie Creek occurs to the north of the subject land, and is approximately 50 m from Old Ronald McDonald House. The proposed development is not located within the riparian corridor for Toongabbie Creek, and is not expected to impact on the ecological function of the watercourse, provided that adequate mitigation measures are implemented.</p> <p>Aside from the canopy trees which may use ground water, the majority of the vegetation within the subject land would rely on rain or artificial watering as part of the landscaped garden beds. The project is consequently not expected to have any impacts on water sustainability.</p>	This conclusion is supported, the proposal is unlikely to impact water sustainability.

## Recommendation

It is recommended that the delegated officer:

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



4/11/2020

Sarah Burke

Date

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/ 896949 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 DOC20/896949 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



11/11/2020

Daylan Cameron

Date

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

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

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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 DOC20/896949 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



11/11/2020

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

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**Date**



## SCHEDULE 1 – Description of the proposed development

The proposed development involves the redevelopment of a portion of the existing Westmead Children's Hospital. This will involve demolition of some existing structures.



Figure 1: Aerial photograph showing vegetation within the subject land.