

3 April 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry & Environment
GPO Box 39
SYDNEY, NSW 2001

Attention: Karen Harragon

Dear Mr Betts

**RE: ROYAL INSTITUTE FOR DEAF & BLIND CHILDREN (RIDBC)
CENTRE FOR EXCELLENCE - MACQUARIE UNIVERSITY
GYMNASIUM ROAD, MACQUARIE UNIVERSITY
BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT WAIVER REQUEST**

INTRODUCTION / PURPOSE

This Biodiversity Development Assessment Report (BDAR) waiver request has been prepared on behalf of RIDBC with respect to a soon to be lodged State Significant Development Application (SSD DA) for the new RIDBC Centre for Excellence at Gymnasium Road, Macquarie University.

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.*

Based on prior similar requests, a waiver should be requested from the Department of Planning, Industry & Environment (DPIE) prior to the lodgement of the SSD DA. DPIE 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 Clauses 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017*.

THE SUBJECT SITE, PROPOSED DEVELOPMENT AND CONTEXT

The development site sits within the western portion of the MQU campus, near the junction of Culloden Road and Gymnasium Road and adjacent to the MQU Sport and Aquatic Centre – see **Figures 1 - 3** over. The proposed development will be located within an area that is predominantly cleared, however, numerous planted trees, predominantly eucalypts, are present at the edge of the indicative development area.

The site has been identified for development under the approved Part 3A Concept Plan (as modified) for the MQU campus. The site itself is Lot B03 in Precinct B – 'North West Precinct' under the updated MQU Design Excellence Strategy and Urban Design Guidelines. Under these guidelines an indicative development footprint is identified including some new open space, tree retention where possible, and landscaped buffer and screening towards both Culloden and Gymnasium Roads. The development's indicative height control is 6 storeys under these same guidelines. No other development controls or standards apply to the site.

Figures 4 and 5 show the existing disturbed and maintained condition of the site. **Figure 6** shows the current proposed development footprint and concept design.

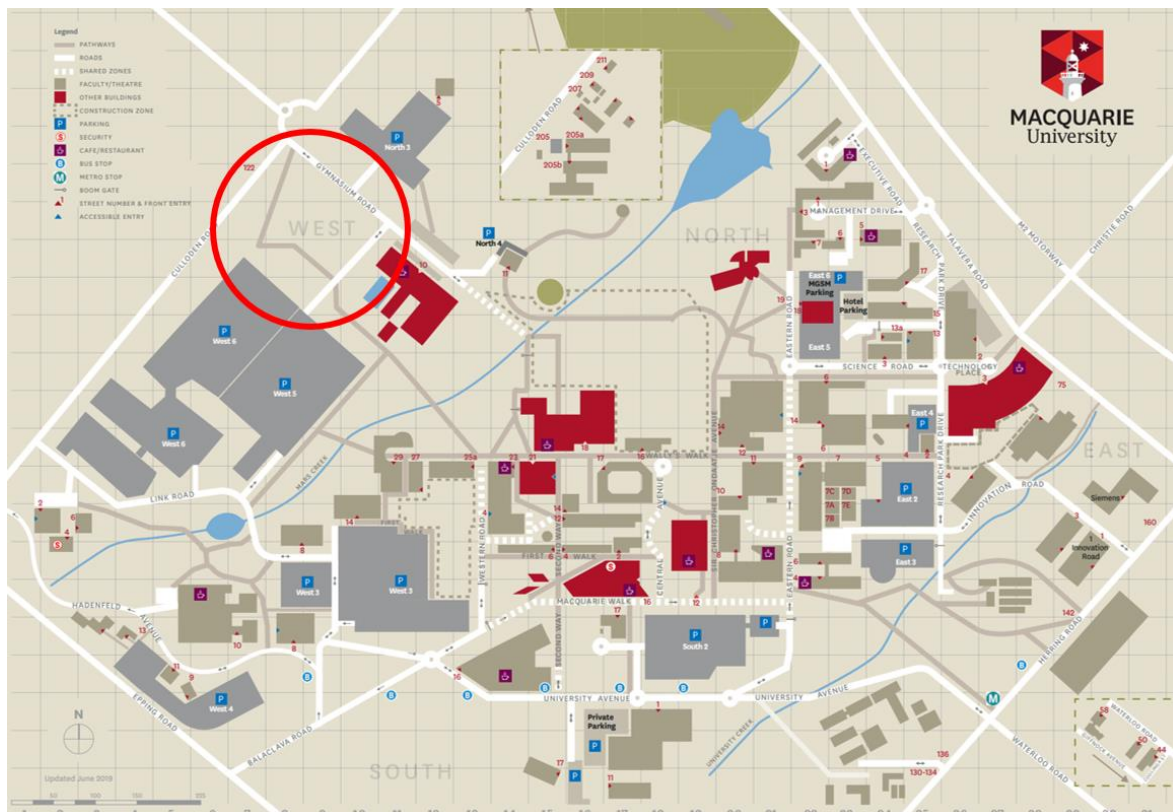


Figure 1 – The proposed development site in the MQU context (MQU)



Figure 2 – The development site (SixMaps)



Figure 3 – Indicative Development Area (RIDBC)



Figure 4 – Development site perimeter to its south



Figure 5 – Development site facing north

FLORA AND FAUNA SURVEY AND ASSESSMENT AND JUSTIFICATION FOR A WAIVER

Lesryk has prepared a detailed flora and fauna assessment following a site inspection and desktop review to establish the biodiversity characteristics and status of the site in relation to Commonwealth and NSW biodiversity requirements. This assessment is attached and addresses the specific requisite matters at Section 1.5 of the *Biodiversity Conservation Act 2016* (BC Act) and Clauses 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017* as well as other legislative considerations and requirements.

The assessment has concluded as follows:

- No threatened species, populations, or communities listed under the Commonwealth EPBC Act were recorded, nor were any likely to occur, or rely upon the resources present, within the proposed development area;
- The vegetation present is not considered to conform to either of the two threatened ecological communities known to occur within the locality, these being:
 - Sydney Turpentine Ironbark Forest (STIF) - critically endangered ecological community (EPBC and BC Acts)
 - Blue Gum High Forest - critically endangered ecological community (EPBC and BC Acts);
- No threatened species, populations, or communities listed under the BC Act were recorded;
- 10 hollow-bearing trees were observed, these having the potential to provide habitat for those threatened hollow-dependent microchiropterans (BC Act listed) that have been previously recorded within the study region;

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- Of the hollow-bearing trees observed three may require removal as part of the development though with adequate site planning all could be retained;
- An assessment referring to the criteria provided under Section 7.3 of the BC Act (i.e. the assessment of significance or as it is commonly known, the five-part test) found that the proposed development is unlikely to have a significant effect on these species, or their habitat;
- Referral of the matter to the Commonwealth Minister for the Environment and Energy for further consideration or approval is not required;
- Based on a review of the Biodiversity Value Map, no areas of high biodiversity value, as defined by the NSW Biodiversity Conservation Regulation 2017 (the Regulation), occur within the subject site;
- No Areas of Outstanding Biodiversity Value listed under Part 3 of the Regulation are present within, or close to, the proposed development; and
- The preparation of a Biodiversity Development Assessment Report (BDAR) is not required.

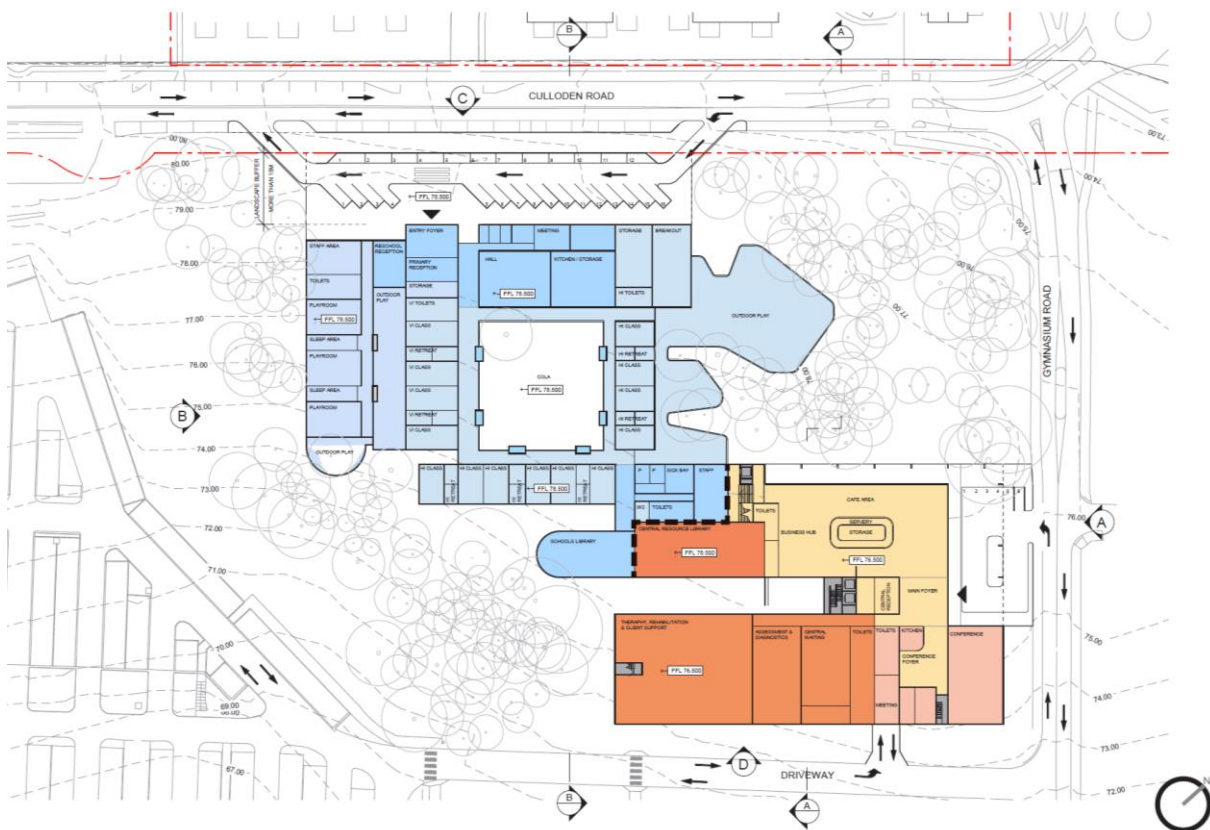


Figure 6 – Current proposed development footprint and concept design (WMK)

CONCLUSION

On the basis of:

- the existing modified, disturbed and managed nature of the site and this part of the campus;
and
- the conclusions reached in Lesryk's flora and fauna investigation and BDAR waiver request letter

it is 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:

- Lesryk BDAR waiver request letter – 4 March 2020
- Lesryk flora and fauna assessment – 5 August 2019