

Our ref: SSD-11099584

Rachel Mitchell
A/Manager Planning
Health Infrastructure
1 Reserve Road
St Leonards NSW 2065

Dear Ms Mitchell

Subject: Request to waive the requirement for a biodiversity development assessment report (BDAR) under the *Biodiversity Conservation Act 2016* (BC Act) for Sutherland Hospital Operating Theatre Upgrade (SSD-11099584)

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 the 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 Sutherland Hospital Operating Theatre Upgrade – SSD 11099584).

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 3 December 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 request for Planning Secretary’s Environmental Assessment Requirements submitted on 6 November 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 Caleb Ball on 02 9274 6186 or via email to caleb.ball@planning.nsw.gov.au.

Yours sincerely,



23 December 2020

David Gibson
A/Director, Social and Infrastructure Assessments
As delegate of the Planning Secretary

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.~~



1/12/2020

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/ 984412 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 DOC20/984412 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



03/12/2020

Daylan Cameron

Date

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

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

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/ 984412 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



03/12/2020

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

Date

SCHEDULE 1 – Description of the proposed development

Sutherland hospital is a 375 bed metropolitan hospital located within the Sutherland Shire LGA at Kingsway and Kareena Roads, Caringbah, NSW, Lots 1 DP119519 and DP 432283. The proposal (SSD project number XX) is to upgrade existing operating theatres and supporting spaces on site. Construction will involve removal of the west face of an existing building and annexing out from there to construct a 3 storey building into existing roads, carpark and gardens. No demolition is intended. The construction footprint is approximately 2,142 m².

This is a brownfield site. No identified biodiversity values are mapped for the land, no five part tests for locally occurring threatened species are breached by the proposal, no waterways are present on site, no threatened species or threatened ecological communities, critical habitat, karsts or caves are present and no wildlife corridor or flight paths will be impacted by this proposal. No direct or indirect biodiversity impacts are anticipated on or off-site by this proposal. A small area of vegetation will need to be removed within the building footprint of the theatre extension, well under the threshold for entry into the Biodiversity Offset Scheme. The vegetation comprises a young planted landscape of native sand exotic species in mounded and mulched garden beds.