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20 March 2019

Scott Hay
Planning Officer
NSW Planning & Environment
GPO Box 39 Sydney NSW 2001

Via email: Scott.Hay@planning.nsw.gov.au

Dear Scott,

SSD_9772 – SANTA SOPHIA CATHOLIC COLLEGE: WAIVER REQUEST FOR BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT

We write on behalf of the Catholic Education Diocese of Parramatta (the proponent) to seek a waiver for the requirement for a Biodiversity Development Assessment Report (BDAR) for State Significant Development **SSD_9772**.

As identified in the request for the Secretary's Environmental Assessment Requirements (SEARs), the Santa Sophia Catholic College in Box Hill North will consist of:

- Approximately 1980 students in a Kindergarten to Year 12 co-educational school;
- An early learning centre for 60 students;
- Out of hours and/or vacation care facilities (OOSH);
- Sharing of school facilities with public after school hours;
- Shared use of the neighbouring community sports field;
- Potential use of local commercial space for additional school facilities.

Santa Sophia Catholic College will comprise approximately 15,000sqm of floor space across five/six storey building. The built form will present as three main hubs connected by terraced courtyards and garden spaces.

The SEARs were issued by the Department of Planning and Environment (DPE) on 21 December 2018. Item 18 requires an assessment of the proposal's biodiversity impacts in accordance with the requirements of the *Biodiversity Conservation Act 2016*, including the preparation of a **Biodiversity Development Assessment Report** (BDAR) where required under the Act.

1.1. BOX HILL NORTH REZONING

The Santa Sophia College site is located within Box Hill North. The land was rezoned from RU6 Rural Transition for urban development on 20 February 2015 under Amendment No. 22 - Box Hill North Precinct to The Hills Local Environmental Plan 2012 (HLEP 2012).

The likely impacts of the rezoning of the land on biodiversity, including threatened species, populations and ecological communities, were considered under the (now repealed) *Threatened*

Species Conservation Act 1995 or Biodiversity Conservation Act 2016. A Species Impact Statement (SIS) was prepared by Cumberland Ecology to address these impacts. The SIS is included as Attachment A to this letter.

The overall offset strategy for the development of Box Hill North involved a suite of mitigation measures, including:

- Avoidance - the retention of on-site vegetation, including 7.1ha of Shale Sandstone Transition Forest (SSTF) and 3.6ha of Cumberland Plain Woodland (CPW) (zoned RE1 and E4 respectively). The area of SSTF will be part of an open space corridor. Scattered remnant trees will be retained where possible and incorporated into future replanting of CPW and SSTF within the study area. Retained vegetation will be managed in perpetuity through the implementation of a Vegetation Management Plan (VMP);
- Mitigation -revegetation and replanting of Cumberland Plain Woodland (CPW) and Shale Sandstone Transition Forest (SSTF). Existing SSTF will be linked in future to other areas that are to be replanted with CPW and SSTF plant species.
- Compensation - The BioBanking credit calculator was used to assess the impacts of future development across Box Hill North and to help guide the formulation of an offset package. Offsets were procured via purchase of BioBanking Credits for CPW and SSTF.

The SIS concluded that the impact of the proposed rezoning of Box Hill North would be balanced by the major conservation outcome resulting from the proposed biodiversity offset strategy and proposed management measures for feral animals and weeds. The areas of degraded vegetation to be cleared were of minor consequence when weighed against the benefits of the proposed mitigation measures. Known occurrences of threatened flora and fauna within the Box Hill North area were predicted to be secure due to the proposed biodiversity offset strategy and supporting mitigation measures.

Urbis have reviewed the findings of the SIS and the VMP prepared for the Box Hill North area (refer Attachment A and Attachment B to this letter). We have subsequently undertaken an assessment of the Santa Sophia College proposal against the relevant provisions of the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017 and consider that the proposal is unlikely to have a significant impact on the eight biodiversity values (as defined in Section 1.5 of the Biodiversity Conservation Act 2016 and Clause 1.4 of the Biodiversity Conservation Regulation 2017). Specifically, we note:

- Vegetation on the site is limited to pastoral grasslands and there are no trees present;
- The site is not known to contain any threatened species or threatened ecological communities or their habitats. Nor is it known to connect other areas of habitat for threatened species or ecological communities.

Having regard to the above, and the detailed assessment provided at **Table 1** below, we respectfully request that the requirement for a BDAR is waived in this instance.

Table 1 – Assessment against the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017

Biodiversity Value	Assessment
Biodiversity Conservation Act 2016	
<u>Section 1.5 Biodiversity and biodiversity values for purposes of Act</u>	
<i>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,</i>	The site and surrounding has been cleared of natural vegetation and used for pastoral and farming activities for an extended period. There are no trees present on the Santa Sophia site. Therefore, the proposal will not alter the structure, function and composition of vegetation on the site and the surrounding landscape.
<i>Habitat suitability—being the degree to which the habitat needs of threatened species are present at a particular site,</i>	The site comprises cleared grasslands. The SIS identified that this vegetation typology does not contain any known habitat for threatened species. Therefore, the proposal will not have any impact on the surrounding natural environment or habitat stability.
<i>Biodiversity values, or biodiversity-related values, prescribed by the regulations.</i>	Refer to assessment provided below.
Biodiversity Conservation Regulation 2017	
<u>Section 1.4 Additional biodiversity values</u>	
<i>Threatened species abundance—being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site</i>	<p>The site does not contain any threatened species or threatened ecological communities or their habitats.</p> <p>Therefore, the proposal will not have any impact on the surrounding natural environment.</p>
<i>Vegetation abundance—being the occurrence and abundance of vegetation at a particular site</i>	<p>The Santa Sophia College site has been cleared and the only vegetation on the site is pastoral grasses.</p> <p>Therefore, the proposal will not have any impact on the abundance of vegetation on the site.</p>
<i>Habitat connectivity—being the degree to which a particular site connects different areas of</i>	The site does not contain any known habitat, nor does it connect different areas of habitat of threatened species. The Santa Sophia College proposal will not prevent the

<i>habitat of threatened species to facilitate the movement of those species across their range</i>	<p>movement of threatened species across a range, as the site and surrounds do not constitute habitat for threatened species.</p> <p>Therefore, the proposal will not have any impact on habitat connectivity.</p>
<i>Threatened species movement—being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle</i>	<p>The site and surrounds do not contain any threatened species or threatened ecological communities or their habitats. The site and surrounds are not known to connect different areas of habitat.</p> <p>Therefore, the proposal will not have any impact on threatened species movement.</p>
<i>Flight path integrity—being the degree to which the flight paths of protected animals over a particular site are free from interference</i>	<p>The area is not known to be a flight path for protected animals. Therefore, the proposal will not have any impact on flight path integrity.</p>
<i>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.</i>	<p>The site is within the town centre of the masterplanned community known as The Gables. The approval for the Gables included a stormwater strategy and design that incorporates the existing watercourses and dams. The existing watercourses and dams were not identified as containing habitat for threatened species and are not associated with any threatened ecological communities. Therefore, the proposal will not have any impact on water sustainability.</p>

We trust this assessment provides sufficient evidence to determine that the Santa Sophia College proposal will not have a significant impact on the biodiversity values defined under the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017.

We emphasise that the Santa Sophia College site is located entirely within an area that has already undergone biodiversity impact assessment, as per the attached SIS. Therefore, a BDAR is not necessary to accompany the future application for SSD_9772.



Please do not hesitate to contact the undersigned on 8233 9913 should you require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rosie Sutcliffe". The signature is written in a cursive, flowing style.

Rosie Sutcliffe

Senior Consultant - Planning

Enclosed:

Attachment A -Cumberland Ecology, 2015, *Box Hill North Masterplan, Species Impact Statement*

Attachment B – Cumberland Ecology, 2017, *Box Hill North, The Gables, Vegetation Management Plan, Precinct E.*