

11 February 2019

Brendan Mee
Senior Conservation Planning Officer
Office of Environment and Heritage
Locked Bag 1002
Dangar NSW 2309

**Re: Biodiversity development assessment report waiver
Nihon University Newcastle Campus (SSD 9787)
9 Church Street, Newcastle**

Dear Brendan,

This letter follows the Secretary's Environmental Assessment Requirements (SEARs) for Nihon University Newcastle Campus (the application) at 9 Church Street, Newcastle (the site). The application number for the facility is SSD 9787.

EMM Consulting Pty Ltd (EMM) has prepared a BDAR waiver request for the application in accordance with the biodiversity development assessment report waiver determinations for SSD and SSI applications fact sheet prepared by the Department of Planning and Environment (DPE), as detailed in Table 1 and Table 2, below. The waiver request has been prepared by a qualified ecologist on behalf of the applicant, Nihon University.

We request that the DPE and the Office of Environment and Heritage (OEH) consider waiving the BDAR requirement for the application. We are happy to discuss any questions in relation to this site.

Yours sincerely



Nathan Garvey
Associate Director - Ecology

Table 1 **BDAR waiver request Information requirements**

Admin	<ol style="list-style-type: none"> 1. Proponent name and contact details <ul style="list-style-type: none"> • Nihon University c/- dwp Australia Pty Ltd • Contact details – Name: Katherine Daunt, Daytime phone: (02) 4911 2152, Mobile: 0477 709 588, Email: katherine.d@dwp.com, Address: 16 Telford Street Newcastle, NSW 2300. 2. Project ID <ul style="list-style-type: none"> • Nihon University Newcastle Campus, 9 Church St, Newcastle. 3. Name/ ecological qualifications of person completing TABLE 2 <ul style="list-style-type: none"> • Cassandra Kottaras – Ecologist. Site inspection and preparation of the report. • Nathan Garvey – Associate Director of Ecology, Accredited Assessor (BAAS17037). Review and project management.
Site details	<ol style="list-style-type: none"> 1. Street address, Lot and DP, local government area <ul style="list-style-type: none"> • 9 Church Street, Newcastle 2300, Lot 1/DP 1199904, Newcastle City Council 2. Description of existing development site <p>The site currently consists of three buildings formerly used as the Newcastle Courthouse building in Newcastle Central Business District (CBD). With an overall area of approximately 5,194m² the subject site is bounded by Church Street to the north, Newcastle Police Station to the east and James Fletcher Hospital to the south and west. The majority of the site is occupied by existing buildings with a driveway entry on the eastern side of the property, leading to an at-grade carpark area in the rear south-eastern corner.</p> <p>A map of the site is provided in Appendix A. Images of the site are provided in Appendix B.</p>
Proposed development	<p>dwp and Azusa Sekkei are assisting Nihon University with the redevelopment of the old Newcastle Courthouse. The site will be redeveloped into Nihon University's Australian campus. The proposed development of the Newcastle Nihon University campus and associated 109 bed student accommodation. The proposal will involve the adaptive reuse of the State listed heritage building known as the Courthouse and will comprise the following elements:</p> <ul style="list-style-type: none"> • Demolition of the Administration Building (east wing) and Supreme Court Building (west wing); • Change of use and minor internal alterations to the former Courthouse to a 'Community Building' to be utilised by both students and the general public for educational purposes; • Construction of two new 4-storey buildings consisting of a 109 bed 'Residential Building' (east wing) and 'Education Building' (west wing); • Service vehicle access from Church Street along an existing eastern boundary driveway; • Ground level car parking; and • Associated ground and rooftop landscaping.

Table 2 **Impacts of the proposed development on biodiversity values**

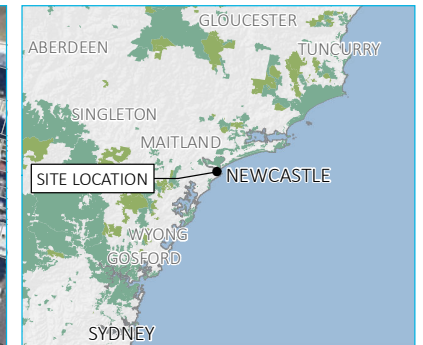
Biodiversity value	Meaning	Relevant (✓ or NA)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attach additional supporting documentation where appropriate
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	<p>The site consists of non-native tree, shrubs and grasses. There are thirty-three non-native trees, consisting of four non-native species, located at the back and front of the property. The four tree species include:</p> <ul style="list-style-type: none"> • Norfolk Island Hibiscus (<i>Lagunaria patersonia</i>) • Camphor Laurel (<i>Innamomum camphora</i>) • Little Gem (<i>Magnolia grandiflora</i>) • <i>Magnolia</i> sp. <p>The majority of the trees present on site are located at the rear of the buildings behind the old courthouse building and the building to the east. One Norfolk Island Hibiscus and Camphor Laurel are located along a narrow strip of vegetation at the front of the old courthouse, along with planted non-native understorey species. There are five Little Gem located at the front of the property on the footpath.</p> <p>None of the trees or shrubs present within the site had identifiable habitat features in the form of hollows or nests. One dead tree was observed at the back of the property which did not contain any habitat features (hollows or nests).</p> <p>An inventory of all species recorded on site can be found in Appendix C.</p>
Vegetation integrity 1.5(2)(a) 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>The integrity of the limited vegetation on site is very poor. The site consists of non-native vegetation at the rear of the property and a small strip at the front of the old courthouse and on the path. No habitat features (including hollows, caves, rocks and nests) are present on site. No water bodies are located on site.</p> <p>Given the degraded nature of the vegetation, no vegetation integrity data was collected.</p>
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	NA	<p>No threatened flora or fauna were observed during the site visit. Considering the highly degraded landscape and unsuitable vegetation present it is unlikely any threatened species will occur.</p> <p>The three buildings on site were searched for microbat roosting sites, none of which were observed. There were no signs of presence (eg guano) within the buildings or around the outside. No visible signs of entrance from the outside of the building were present.</p> <p>No significant fauna habitat features such as hollows, caves, rocks, or nests were observed on site.</p>
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	NA	<p>No threatened flora, fauna or ecological communities are present on site. There is no suitable habitat present on site for any threatened species.</p>

Table 2 **Impacts of the proposed development on biodiversity values**

Biodiversity value	Meaning	Relevant (✓or NA)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attach additional supporting documentation where appropriate
Habitat connectivity 1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	NA	<p>Habitat connectivity on site is negligible. The site is located within the Newcastle CBD. It is located on a busy road and is bounded by Church Street to the north, Newcastle Police Station to the east and James Fletcher Hospital to the south and west. There are commercial and residential properties to the North. The site has minimal vegetation and is surrounded by busy CBD streets and residential/corporate buildings. The adjacent area does not hold any habitat suitable for threatened species.</p> <p>Vegetation within the site is not considered suitable for any threatened species, with no suitable habitat located nearby. Any vegetation clearing and development on site will not impact the connectivity of habitat which facilitates the movement of threatened species across their range.</p>
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	NA	<p>No threatened species were observed on site. No suitable habitat features were observed on site, including hollows, caves, rocks and nests. Habitat connectivity on site is negligible and the site is located in the Newcastle CBD. The site is bordered by a busy road and public/commercial/residential buildings. The site is unlikely to be suitable for even highly mobile threatened species, such as avifauna.</p> <p>Any vegetation clearing and development on site will not impact the movement of threatened species.</p>
Flight path integrity 1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	NA	<p>The site is not located within any known or likely flight paths for protected animals. In addition, the proposed development will require two of the three buildings to be demolished and redeveloped, whilst the middle courthouse will be retained. The two new buildings on either side of the old courthouse will only be developed slightly higher than the existing courthouse. Therefore, the proposed development will not impact on or interfere with flight path integrity of protected animals over the site.</p>
Water sustainability 1.4(f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	NA	<p>No waterbodies or waterways supporting threatened species occur in the vicinity of the site. The site does not border water bodies and is located 500m from the Hunter River and 200m from the South Pacific Ocean. The development will include demolition of two buildings and redevelopment of two new buildings. This will have no impact on local water bodies or hydrological processes.</p>

Appendix A

Location map



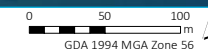
KEY
 ■ Subject site
 □ Cadastral boundary

Site surrounds

Biodiversity development assessment
 Figure 1



Source: EMM (2019); DFSI (2017); GA (2011)



Appendix B

Current Site Images



Photograph B.1 Street view of first building, eastern side of site



Photograph B.2 Street view of Old Courthouse, middle building



Photograph B.3 **Street view of third building, western side of site**



Photograph B.4 Side entrance to carpark, eastern side of buildings



Photograph B.5 **Strip of vegetation at front of Courthouse**

Appendix C

Plant species inventory

C.1 Plant species inventory

Table C.1 Plant species inventory

Species name	Common name	Origin
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus	E
<i>Cinnamomum camphora</i>	Camphor laurel	HTE
<i>Magnolia grandiflora</i>	Little Gem	E
<i>Magnolia</i> sp.	-	E
<i>Milinis repens</i>	Red Natal grass	E
<i>Bidens pilosa</i>	Cobbler's pegs	HTE
<i>Canna indica</i>	Canna lily	HTE
<i>Chrysanthemoides monilifera</i> subsp. <i>rotundata</i>	Bitou bush	HTE
-	Palm sp.	E
<i>Cestrum parqui</i>	Green cestrum	HTE
<i>Parietaria Judaica</i>	Pellitory	E

Notes: Origin code: N - Native species, E - Exotic species, HTE - High threat exotic weed