

Stuart Nisbett
Archerfield Partners
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Reference/Job No: 19SYD - 12388

4 February 2019

Dear Stuart,

Re: Waiver of Biodiversity Development Assessment Report (BDAR) – Western Sydney University Vertical Bankstown Campus

Eco Logical Australia (ELA) was engaged by Archerfield Partners to undertake an ecological assessment of a proposed development for the Western Sydney University Vertical Bankstown Campus project, located at 74 Rickard Road, Bankstown. The proposal is likely to be State Significant Development (SSD) under the NSW *Environmental Planning and Assessment Act* (EP&A Act), although Secretary's Environmental Assessment Requirements have not yet been issued.

The development will require 17 trees to be removed and well as a number of planted *Doryanthes excelsa* (Gynea Lily) and *Lomandra tanika* (Lomandra) individuals, which are consistent with planted native and exotic vegetation, as shown on Figure 1 and Figure 2.

Under s7.9, an application for development consent for State Significant Development 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 a significant impact on biodiversity values.

To waive the requirement for a BDAR, it must be demonstrated that the site does not contain biodiversity values in accordance with Clause 1.5 of the BC Act and Clause 1.4 of the *Biodiversity Conservation Regulation 2017* (BC Regulation) or that the development will not have a significant impact on biodiversity values. The requirements to waiver assessment under the BC Act and Regulation have been addressed in Table 1.

It was determined that although the subject site contains planted native vegetation, the species present do not contain or provide any significant biodiversity values, as such a Biodiversity Development Assessment Report (BDAR) should not be required. It is recommended that the proponent submit this report to the Planning Agency Head to seek a BDAR waiver.

Yours sincerely,

Rebecca Ben-Haim
Environmental Consultant



Figure 1 Location of the study area, subject site and validated vegetation communities (ELA, 2019)

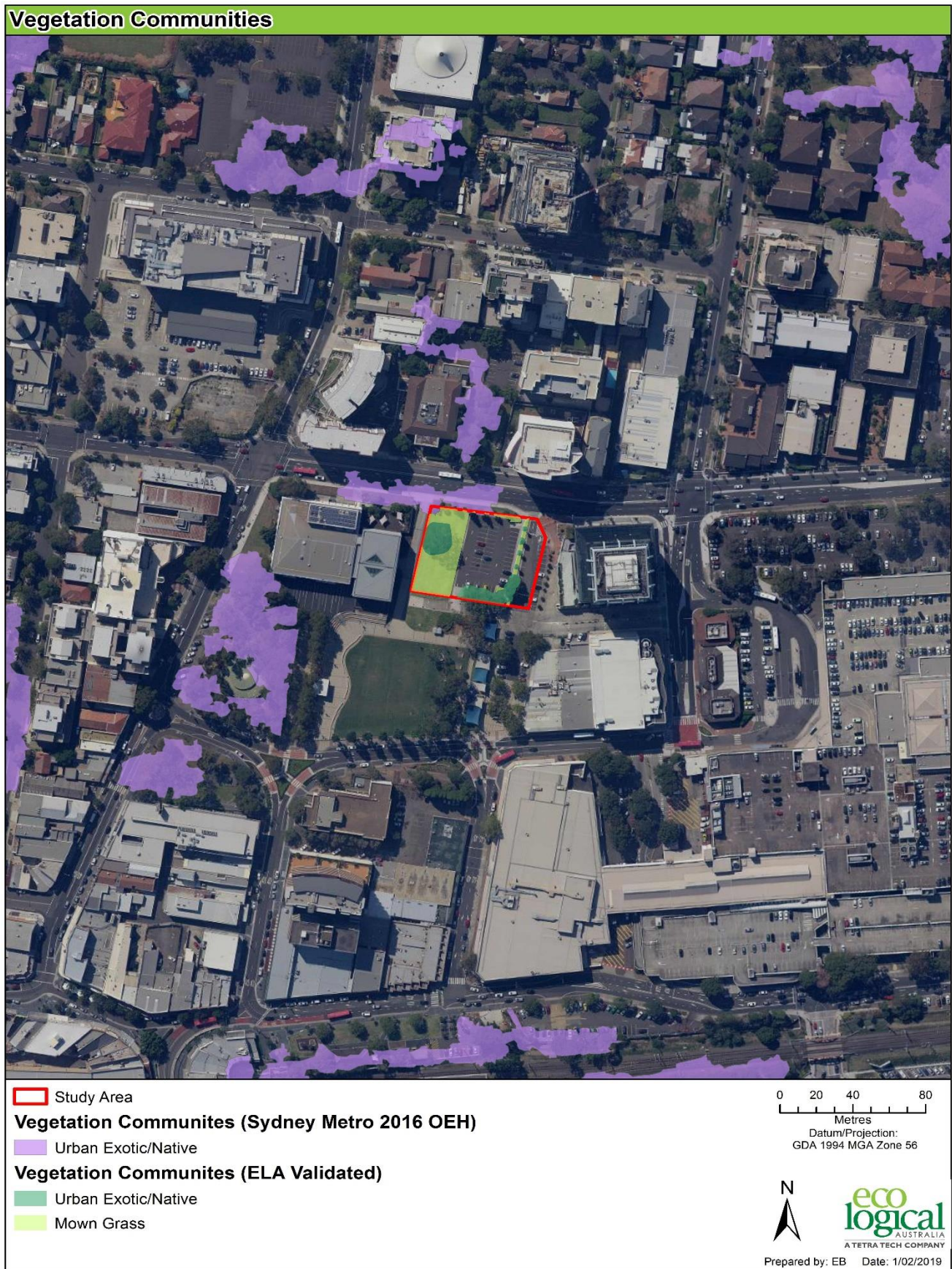


Figure 2 Location of the study area, subject site and validated vegetation communities in the locality (OEH 2016)

Table 1 Biodiversity Values according to sections 1.5 and 1.4 BC Act and BC Regulation

Biodiversity Conservation Act (Clause 1.5)	Discussion of values within subject site
<p>2 a) <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></p>	<p>Due to previous and current land management practices, vegetation and soil within the subject site had been highly modified or disturbed, and was considered to lack any natural resilience. Vegetation within the site is composed of Urban Exotic and Native Plantings (Figure 1). The vegetation present consisted of landscape plants such as <i>Doryanthes excelsa</i> (Gynea Lily) and <i>Lomandra tanika</i> (Lomandra). (Figure 3). The site also contained the following planted trees:</p> <ul style="list-style-type: none"> • 1 x large <i>Corymbia citriodora</i> (Lemon-scented Gum) (Figure 4) • 6 x juvenile <i>Corymbia citriodora</i> (Lemon-scented Gum) (Figure 4) • 3 x large <i>Callistemon viminalis</i> (Weeping Bottlebrush) (Figure 5) • 2 x large <i>Lophostemon confertus</i> (Queensland Brush Box) (Figure 6) • 5 x juvenile <i>Pyrus calleryana</i> (Callery Pear) (Figure 7) <p>The composition, structure and function of vegetation within the site is highly modified and altered from its natural state. The native trees present were planted and sparsely distributed within the site. Understorey vegetation consisted of planted garden species and maintained lawns. Vegetation within the site is not consistent with any remnant native vegetation community or listed Plant Community Type (PCT) in the BioNet Vegetation Classification. Given the high modification of the site, rehabilitation to its natural state would not be practicable. No remnant vegetation was present adjacent to the site (Figure 2) therefore, the proposal will not remove any Threatened Ecological Communities. The abovementioned trees requiring removal as part of the proposed development are not representative of any remnant PCTs that would have been present within the development footprint.</p>
<p>b) <i>Habitat suitability – being the degree to which the habitat needs of threatened species are present at the particular site;</i></p>	<p>Suitable habitat for threatened species is highly limited within the site. No habitat is available for any threatened flora species. No foraging habitat is available for any threatened fauna species. Considering the small amount of isolated native vegetation present the site does not contain sufficient foraging resources to sustain any threatened fauna species. No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of hollow-bearing trees.</p>
<p>Biodiversity Conservation Regulation (Clause 1.4)</p>	

<p><i>a) Threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site</i></p>	<p>No threatened ecological communities were present within the site. The small amount of vegetation present is Urban Exotic and Native plantings and is not consistent with any listed Plant Community Type (PCT).</p> <p>No habitat was available for threatened flora species due to the high level of modification of vegetation and soils within the site. No threatened fauna species were observed within the site during the site survey. No foraging habitat is available any fauna species. Considering the small amount of isolated native vegetation present, the site does not contain sufficient foraging resources to sustain any threatened fauna species. No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of hollow-bearing trees.</p>
<p><i>b) Vegetative abundance – being the occurrence and abundance of vegetation at a particular site;</i></p>	<p>Vegetation within the subject site is of very low abundance and native quality. The majority of the site is composed of various buildings, internal roads and a carpark which contained little to no vegetation. Vegetation within the site was predominantly composed of native and exotic planted trees, common garden vegetation and maintained lawns. Vegetation within the site is not consistent with any remnant native vegetation communities and did not conform to any listed Plant Community Types (PCTs).</p>
<p><i>c) Habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate movement of those species across their range;</i></p>	<p>Vegetation within the site is highly fragmented and does not contribute to habitat connectivity across the local landscape. Vegetation is limited to individual planted trees distributed through the site between buildings. Movement of threatened species across the site would be limited by the existing multistorey buildings.</p> <p>The site does not provide any significant level of connectivity to facilitate movement of threatened species across their range.</p>
<p><i>d) Threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle;</i></p>	<p>The site contains minimal vegetation which is fragmented by buildings, roads and fencing. Movement for less mobile threatened fauna such as mammals across the site is highly unlikely due to existing development within the site. Opportunities for movement across the site for mobile threatened fauna including birds and bats are available, however limited to multi-storey buildings and sparse vegetation. The site is not considered to be significant for the movement of any threatened species to maintain their lifecycle.</p>

e) <i>Flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference; and</i>	The landscape within and surrounding the site is highly urbanised, with several multi-storey buildings present directly adjacent to the site. The flight paths of protected animals over the site are currently restricted due to existing buildings and unlikely to be further impacted by the proposed project. Hence the site is not considered to provide any significant flight paths for protected animals.
f) <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>	No natural water courses are present within the site. In its current state, the site is highly developed and does not contain water bodies or contribute to hydrological processes that sustain threatened species or ecological communities within or adjacent to the site.



Figure 3 *Doryanthes excelsa* (Gynea Lily) and *Lomandra tanika* (Lomandra). within the study area



Figure 4 Large *Corymbia citriodora* (Lemon-scented Gum) within the study area



Figure 5 Three *Callistemon viminalis* (Weeping Bottlebrush) within the study area



Figure 6 Two *Lophostemon confertus* (Queensland Brush Box) within the study area



Figure 7 *Pyrus calleryana* (Callery Pear) within the study area

DOC19/115539
SSD 9831

David Gibson
Team Leader – Social Infrastructure Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Western Sydney University Bankstown City Campus- 74 Rickard Road, Bankstown - Request for Biodiversity Development Assessment Report waiver - (SSD 9831)

Dear Mr Gibson,

The Office of Environment and Heritage (OEH) has reviewed the request from Ecological Australia dated 4 February 2019 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State significant development application.

Under section 7.9(2) of the *Biodiversity Conservation (BC) Act 2016*:

“Any such application [SSD] 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 power to determine whether an SSD is “*not likely to have any significant impact on biodiversity values*” has been delegated to the OEH Senior Executive on 4 December 2017.

I have reviewed the assessment of the biodiversity values of the site as described in the letter dated 4 February 2019. I have determined that the proposed development is not likely to have any significant impact on biodiversity values and that there is no need for the SSD application to include a BDAR.

Please contact Svetlana Kotevska on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au should you have any further queries regarding this matter.

Yours sincerely



06/03/2019

ALEX GRAHAM
Director - Greater Sydney
Communities and Greater Sydney Division



Planning & Environment

Murray Donaldson
Director
Urbis
Level 23, Darling Park Tower 2, 201 Sussex Street
Sydney NSW 2000

Our ref: SSD 9831

-via email-
mdonaldson@urbis.com.au

Dear Mr Donaldson

Subject: Western Sydney University Bankstown City Campus (SSD 9831) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to correspondence from Eco Logical dated 4 February 2019, regarding the request, on behalf of the Western Sydney University, to waive the need for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BCA):

"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 Services Division on 21 December 2017.

I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BCA and clause 1.4 of the *Biodiversity Conservation Regulation 2017*, and determine that the development (as described in the letter from Eco Logical dated 4 February 2019) is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR. Accordingly, a waiver under section 7.9 is granted for the proposed development (being Western Sydney University Bankstown City Campus - SSD 9831).

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 6 March 2019 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary's environmental assessment requirements dated 19 December 2018. 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 David Gibson on 9274 6241 or via email to david.gibson@planning.nsw.gov.au.

Yours sincerely,

8/3/2019

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