



Office of
Environment
& Heritage

DOC18/250778-1

SSD 8937

David Gibson
Team Leader, Social Infrastructure Assessments
Department of Planning and Environment
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Dear David

Request to waive requirement for BDAR – University of Newcastle, Bioresources Facility, Callaghan Campus – University of Newcastle, Callaghan (SSD 8937)

I refer to the request from University of Newcastle (prepared by De Witt Consulting and dated 24 April 2018) to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State Significant Development (SSD 8937) application for the University of Newcastle's Bioresources Facility, located within the Callaghan Campus (Lot 1 DP 1188100).

I have reviewed the information provided by the applicant and determined that the proposed development as described in De Witt Consulting correspondence (and appended reports) is not likely to have any significant impact on biodiversity values. Therefore, the application does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant. OEH's decision report is also attached for your information.

If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader, Planning Hunter Central Coast, on 4927 3140.

Yours sincerely

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

- Encl. 1. OEH Determination
2. OEH Decision report

Attachment 1 – OEH DETERMINATION

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

I, Sharon Molloy, Director Hunter Central Coast Branch, of the Office of Environment and Heritage, 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 De Witt Consulting correspondence (dated 24 April 2018) and Schedule 1. If the proposed development is changed so that it is no longer consistent with this description, a further waiver request is required.

Sharon Molloy

SHARON MOLLOY

Director Hunter Central Coast Branch

Regional Operations Division

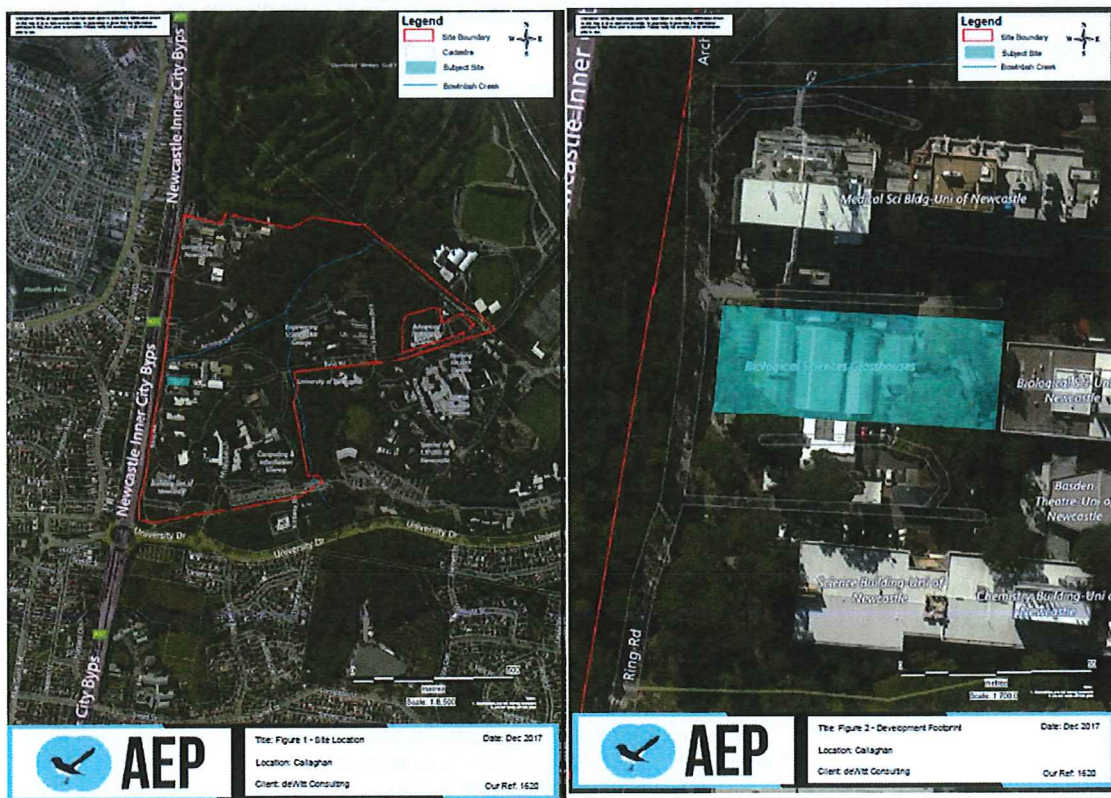
Office of Environment and Heritage

21/5/2018

Date

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD 8937) under the *Environmental Planning and Assessment Act 1979* for the University of Newcastle's Bioresources Facility located within the Callaghan Campus (Lot 1 DP1188100). The proposed development is within the Newcastle City local government area.



Attachment 2 – Biodiversity Development Assessment Report (BDAR) waiver decision report

Project Name: Bioresources Facility
SSI/SSD Application Number: SSD 8937
Proponent: Callaghan Campus, University of Newcastle
Date request received: 24 April 2018

	Biodiversity value/ prescribed impact	Yes/ No	Applicant comment/ justification	OEH comment
1. Is there native vegetation on the development site?		Yes	The subjects site contains remnant trees with an understory of planted (garden) native vegetation.	<p>The proposal will involve the removal of remnant trees with planted (garden) native understory.</p> <p>Site occurs in a per-urban environment, which has been greatly modified.</p> <p>Vegetation community is greatly modified, with its structure, species composition and foliage cover highly altered from its natural state.</p> <p>The proposal will only clear native vegetation that is considered to be remnant trees (plants) with cultivated native plants for landscaping; and as such it is unlikely to significantly impact on biodiversity values.</p>
1(a) If yes, will the proposed development clear or remove any native vegetation, that is, impact vegetation abundance (cl1.4(b) BC Reg)?		Yes	Fieldwork revealed the subject site consisted of disturbed remnant native canopy vegetation with planted landscape understory. Remnant species were limited to mature and semi-mature canopy trees while mid and understory featured native landscape species from wider NSW selected for visual aesthetics and are not consistent with listed vegetation communities.	The proposal will remove remnant trees with a cultivated landscaped understory. The proposal will clear 0.045 ha of a 0.35 ha site (likely affecting up to 6 semi-mature canopy trees).
1(b) If yes, will the proposed development impact the vegetation integrity of an identified plant community (s1.5(a) BC Act)?		Yes	Fieldwork revealed the subject site consisted of disturbed remnant native canopy vegetation with	The proposal will remove remnant trees with a cultivated landscaped understory. The

	Biodiversity value/ prescribed impact	Yes/ No	Applicant comment/ justification	OEH comment
<p>2. Are there threatened species or ecological communities or their habitat on the development site?</p>			<p>planted landscape understorey. Remnant species were limited to mature and semi-mature canopy trees while mid and understorey featured native landscape species from wider NSW selected for visual aesthetics and are not consistent with listed vegetation communities.</p>	<p>integrity (structure, species composition, abundance and cover) is greatly altered from its natural state – likely PCT 1216 'Spotted Gum - Grey Ironbark open forest on the foothills of the Central Coast, Sydney Basin Bioregion'.</p>
<p>2(a) If yes, will the proposed development remove or modify threatened species habitat or ecological communities?</p>		No	<p>The subject site was considered to contain limited habitat features for native fauna, with limited amounts of decorticated back and around five hollows and largely an absence of ground habitat due to extensive clearing, disturbance and management.</p> <p>No threatened species recorded for the subject site. However, records of a Glossy Black Cockatoo and a number of microbats within 100m. But suitable habitat such as hollows and known feed trees are not present.</p> <p>At best the site may provide temporary roosts for flying species, but it would not be considered important.</p>	<p>Subject site offers no or very limited habitat for threatened species (i.e. at best temporary roosts). No records of threatened species recorded for subject site. Vegetation present is not part of an ecological community.</p>
<p>2 (b) If yes, will the proposed development impact:</p>	<ul style="list-style-type: none"> • habitat suitability (s1.5(b) BC Act)? • threatened species abundance (cl1.4(a) BC Reg)? • habitat connectivity (cl1.4(c) & cl6.1(b) BC Reg)? 	n/a	n/a	n/a
		n/a	n/a	n/a
		n/a	n/a	n/a
		n/a	n/a	<p>The subject site is located at the edge of the 'campus' vegetation (predominantly similar remnant canopy trees with landscaped understorey). It is not considered to be part of an important connective link and will have negligible impact on the patch size of this modified vegetation.</p>

	Biodiversity value/ prescribed impact	Yes/ No	Applicant comment/ justification	OEH comment
	<ul style="list-style-type: none"> threatened species movement (c1.4(d) & c16.1(c) BC Reg)? water sustainability (c1.4(f) & c16.1(d) BC Reg)? 	No	<p>Given the relatively small amount of habitat to be removed and the availability of habitat in surrounding areas, it is considered unlikely that the site contributes to the movement of TS necessary to maintain their lifecycles to any notable degree.</p> <p>All stormwater and drainage on site is piped. No natural watercourses present. No connectivity to upstream or downstream habitat.</p>	<p>Proposal unlikely to impact movement ability, given similar and more-intact vegetation / habitat located nearby.</p> <p>Negligible impact to water.</p>
	<ul style="list-style-type: none"> The following habitat of threatened species or ecological communities: <ul style="list-style-type: none"> (i) karst, caves, crevices, cliffs and other geological features of significance, (ii) rocks, (iii) human made structures, (iv) non-native vegetation <p>(c16.1(a) BC Reg)</p>	No	No suitable habitat on site for threatened species.	OEH concurs that the features are not present on site, nor does the site offer any threatened species habitat.
2(c) Is the proposed development likely to result in vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community (c16.1(f) BC Reg)?		No	Subject site does not include construction of roadways etc. that could lead to vehicle strike.	OEH concurs features not characteristic of subject site. Campus already has a network of roads, to which the development is not contributing.
3. Are there flight paths of protected animals over the development site?		No	The site and nearby areas are not known flight paths for any other protected animals. No Ramsar wetlands, JAMBA, CAMBA, ROKAMBA sites in vicinity. No suitable habitat on site to support migratory species. No identified flyways for migratory species over or near the site.	OEH concurs with this statement.
3(a) If yes, will the proposed development impact on flight path integrity (c1.4(e) BC Reg)?		n/a	n/a	n/a

	Biodiversity value/ prescribed impact	Yes/ No	Applicant comment/ justification	OEH comment
	3 (b) If yes, for proposed wind farms, is the proposed development likely to result in impacts of wind turbine strikes on protected animals (cl6.1(e) BC Reg)?	n/a	n/a	n/a

Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
- Makes a decision to:
 - 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



STEVEN COX

Senior Team Leader Planning

Hunter Central Coast Branch

Regional Operations Division

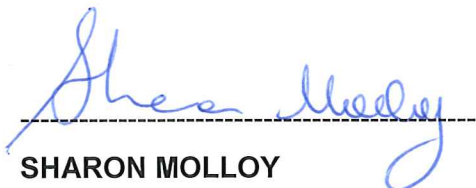
Office of Environment and Heritage

15 May 2018

Decision

I, Sharon Molloy, Director Hunter Central Coast Branch, of the Office of Environment and Heritage, having reviewed this report and the documents attached to it, decide to:

- A. **determine** under clause 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in Ethos Urban correspondence (dated 17 April 2018 – DOC18/232423) is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required



SHARON MOLLOY

Director Hunter Central Coast Branch

Regional Operations Division

Office of Environment and Heritage



Date

