

T&P Chimes Development Pty Ltd
Level 3/189 Flinders Lane
Melbourne
VIC 3000

Tuesday, 23 June 2026

Request for a Biodiversity Development Assessment Report Waiver for a Detailed Design State Significant Development Application at 45-53 Macleay Street, Potts Point NSW 2011 (SSD-83867719) (Final 2.0)

To whom it may concern,

As an Accredited Biodiversity Assessor, I am writing this letter to provide to the NSW Department of Planning in request of a Biodiversity Development Assessment Report (BDAR) Waiver with regard to sections 1.5, 7.3 and 7.9 of the *Biodiversity Conservation Act 2016* (BC Act) and clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

On behalf of the applicant, I kindly request that you provide your confirmation whether you agree that there is no need to submit a Biodiversity Development Assessment Report (BDAR) for a Detailed Design State Significant Development (SSD) application for the proposed construction and operation of a 16-storey shop top housing development comprising ground floor retail with a 15-storey residential tower above and basement car parking at 45-53 Macleay Street, Potts Point NSW 2011 (Lot 3/-/SP934) (the 'Subject Property'; **Figure 1**). The Subject Property occurs within the Council of the City of Sydney.

Development Overview

The proposed development involves demolition of the existing man-made building within the Subject Property and construction of a 16-storey shop top housing development comprising ground floor retail with a 15-storey residential tower above and basement car parking at the Subject Property (KHA 2026; Urbis 2026).

Currently the Subject Property is zoned as 'MU1 – Mixed Use'.

Existing Site

The Subject Property covers an area of approximately 0.13ha and is comprised of an existing 12-storey mixed use building and hard stand along with associated landscaping. The property has two street frontage; Macleay Street (east) and McDonald Street (north).

The vegetation within the Subject Property has been extensively altered through urban development, landscaping and infill planting, and consists of a mix of exotic and non-indigenous trees native, shrubs, and groundcovers. All vegetation present within the Subject Property is proposed to be removed and therefore impacted by the proposed development.

Vegetation Within the Subject Property

The vegetation on the Subject Property has been historically cleared and constitutes primarily of planted exotic and non-indigenous native trees, shrubs and groundcovers. The vegetation (garden beds and lawns) occurring predominantly around the borders of the Subject Property, contain a mixed assemblage of exotic and non-indigenous native ornamental plants.

The majority of the trees and shrubs within the Subject Property are introduced species / commonly planted ornamentals that offer low habitat value within this highly modified, urbanised locality.

Owing to the degraded nature of the vegetation within the Subject Property as a result of historical clearing, infill planting and ongoing garden maintenance, the vegetation within the Subject Property represents low conservation value.

BDAR Waiver details

Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) stipulates the following:

"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' is required to determine whether a proposed development is "not likely to have any significant impact on biodiversity values" is usually delegated to Directors within the Planning Services Division."

In preparing this request for a BDAR Waiver, Land Eco have completed a desktop and site assessment of the native vegetation and threatened species habitat values within the Subject Property (PlantNET 2026; NSW DCCEEW 2026b).

In applying for a BDAR Waiver, we have completed the tables provided by the NSW Department of Planning and Environment (DPE 2018) in order to assess the significance of the impacts of the proposed SSD on biodiversity values (**Table 2, Table 3**).

Threatened Species that may use Subject Property

The NSW Wildlife Atlas online survey tool (BioNet) (NSW DCCEEW 2026b) was used to obtain a list of threatened flora and fauna species previously recorded within a 10km radius of the Subject Property. There are no historical records of threatened fauna or flora within the Subject Property. The habitat requirements of each species were assessed and compared to what was observed by the Land Eco Ecologist within the Subject Property using aerial imagery and street view software (NSW DCCEEW 2026d). A shortlist of species that may occur on the Subject Property and/or be impacted from the proposed development was produced (**Table 1**).

This shortlist was selected by excluding species from the BioNet search that were considered unlikely to use the Subject Property due to the absence of required habitat features or as a result of the degraded condition of the habitat within the Subject Property (NSW DCCEEW 2026d). The excluded species are believed to utilise more favourable habitat such as Royal Botanic Garden Sydney, Sydney Harbour National Park and Garigal National Park.

The Subject Property offers no marginal foraging habitat for species of flying fox such as the Grey-headed Flying-fox (*Pteropus poliocephalus*), however the species may occasionally fly over the Subject Property and may temporarily perch in the nearby trees. Flying-foxes are highly mobile and capable of moving significantly long distances during foraging bouts. There are no known records of roost camps for the Grey-headed Flying-fox within the Subject Property (NSW DCCEEW 2026d; TSSC 2001).

Birds of prey such as the Powerful Owl (*Ninox strenua*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), Little Eagle (*Hieraaetus morphnoides*), Eastern Osprey (*Pandion cristatus*) and Square-tailed Kite (*Lophoictinia isura*), may occasionally fly over the Subject Property, however, the habitat is highly degraded with low connectivity to remnant vegetation and no suitable breeding habitat (i.e. large eucalypts/hollow-bearing trees) occurs within the Subject Property (NSW DCCEEW 2026d; TSSC 2008). These species are highly mobile, and the Subject Property is not expected to form important foraging, roosting or breeding habitat, it is simply too urban and disturbed.

Locally occurring threatened microbat species listed in **Table 1** may occasionally forage within and fly over the Subject Property (Basham et al. 2011). It is considered likely that these locally occurring species may forage within the Subject Property and roost within some of the existing buildings, using open gutters and roofing cavities as entry points (NSW DCCEEW 2026d). Although, due to the limited canopy cover and disturbed urban locality, the Subject Property is unlikely to form important foraging habitat for these species (Basham et al. 2011). Suitable foraging and roosting habitat will continue to remain in the locality post-development. The Subject Property, is more likely to support common, urban-adapted microbats such as the Gould's Wattled Bat (*Chalinolobus dwyeri*) (Gonsalves & Law 2017).

Protected Species that may use the Subject Property

Open or cavernous parts of the existing buildings within the Subject Property may act as roosting habitat for common protected microbat species in the locality such as Gould's Wattle Bat (*Chalinolobus gouldii*). Microbat species, including threatened microbats, are known to utilise building cavities for habitat, however, the densely urbanised locality of this building makes it less suitable for utilisation by microbats (NSW DCCEEW 2026d).

The vegetation present within the Subject Property may provide foraging, roosting and breeding habitat for protected bird species in the locality Grey Butcherbird (*Cracticus torquatus*), Noisy Miner (*Manorina melanocephala*), and Rainbow Lorikeet (*Trichoglossus moluccanus*).

Summary

From the information I have been provided by the applicant, to date, I anticipate the impacts of the proposed development will not adversely affect a local, viable population of any threatened species. I also anticipate that the proposed development will not impact upon any area of remnant or self-sown indigenous native vegetation.

Trees present within and adjacent to the Subject Property, are believed to be historically planted and consist mainly of exotic and non-indigenous native species commonly used in landscaping. Considering the origins of all of the vegetation on the Subject Property, and its current position in a highly modified, urban landscape (garden beds and road verges), it is not likely that this vegetation provides any importance for local biodiversity.

It is in my professional opinion that any impacts to the non-native vegetation, artificial structures and historically planted, 'native vegetation' on the Subject Property will be of little consequence, and as such a BDAR Waiver is a suitable path forward for this development.

In conclusion, it is in my professional opinion that the proponent, T&P Chimes Development Pty Ltd Development Pty Ltd, should not be required to prepare a BDAR, and therefore I support the request by T&P Chimes Development Pty Ltd, for a BDAR Waiver to accompany this SSD.

Thank you.

Yours sincerely,

Kurtis Lindsay *BSc (Hons)*
Principal Ecologist
Land Eco Pty Ltd



P 0408765832
E info@landeco.com.au

References

Basham, R., Law, B., & Banks, P. (2011) Microbats in a 'leafy' urban landscape: are they persisting, and what factors influence their presence?. *Austral Ecology*, 36(6), 663-678.

Department of Planning and Environment (DPE) (2018) Biodiversity Development Assessment Report Waiver determinations for SSD and SSI applications [accessed 15/11/2024]

Gonsalves, L., & Law, B. (2017). Seasonal activity patterns of bats in North Sydney, New South Wales: implications for urban bat monitoring programs. *Australian Mammalogy*, 40(2), 220-229.

KHA (2026) 45-52 Macleay Street, Potts Point - Architectural Drawings

KHA + DBS (2025) Design Report – 45-53 Macleay Street, Potts Point - State Significant Development Application (SSDA) Proposal for mixed use and affordable housing

NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) (2026a) Planning Portal ePlanning Spatial Viewer <https://www.planningportal.nsw.gov.au/> [accessed 17/06/2026]

NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) (2026b) NSW BioNet. The website of the Atlas of NSW Wildlife <http://www.bionet.nsw.gov.au/> [accessed 17/06/2026]

NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) (2026c) NSW Transitional native vegetation regulatory map viewer <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=NVRMap>

NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) (2026d) Threatened Biodiversity Profile Search <https://threatenedspecies.bionet.nsw.gov.au/> [accessed 17/06/2026]

NSW WeedWise (NSW WeedWise) (2026) <https://www.dpi.nsw.gov.au/biosecurity/weeds> [accessed 17/06/2026]

PlantNET (2026) The NSW Plant Information Network System; 2020. Royal Botanic Gardens and Domain Trust, Sydney <https://plantnet.rbgsyd.nsw.gov.au> [17/06/2026]

Threatened Species Scientific Committee (TSSC) (2001) Commonwealth Listing Advice on *Pteropus poliocephalus* (Grey-headed Flying-fox) <https://www.dcceew.gov.au/environment/biodiversity/threatened/conservation-advice/pteropus-poliocephalus> [accessed 15/11/2024]

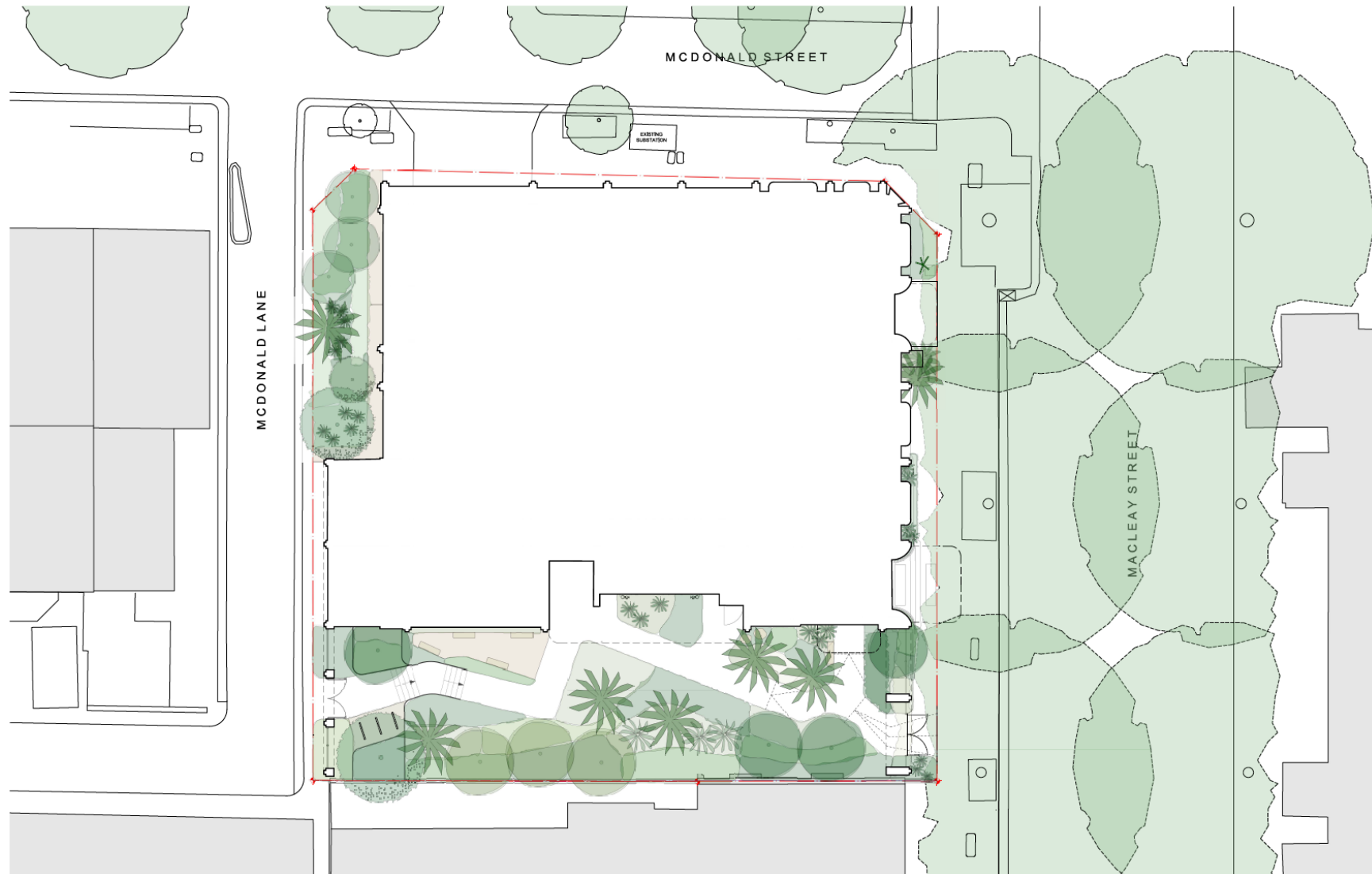
Urbis (2025) Scoping Report - 45-53 Macleay Street, Potts Point

Urbis (2026) Environmental Impact Statement - 45-53 Macleay Street, Potts Point

Appendix



Figure 1. The Subject Property – 45-53 Macleay Street, Potts Point, NSW 2011 (Lot 3/-/SP934)



KHA
SKSD-149
Indicative Site Plan for BDAR
22/06/26

Figure 2. Indicative Site Plan for the Proposed Development (KHA 2026)

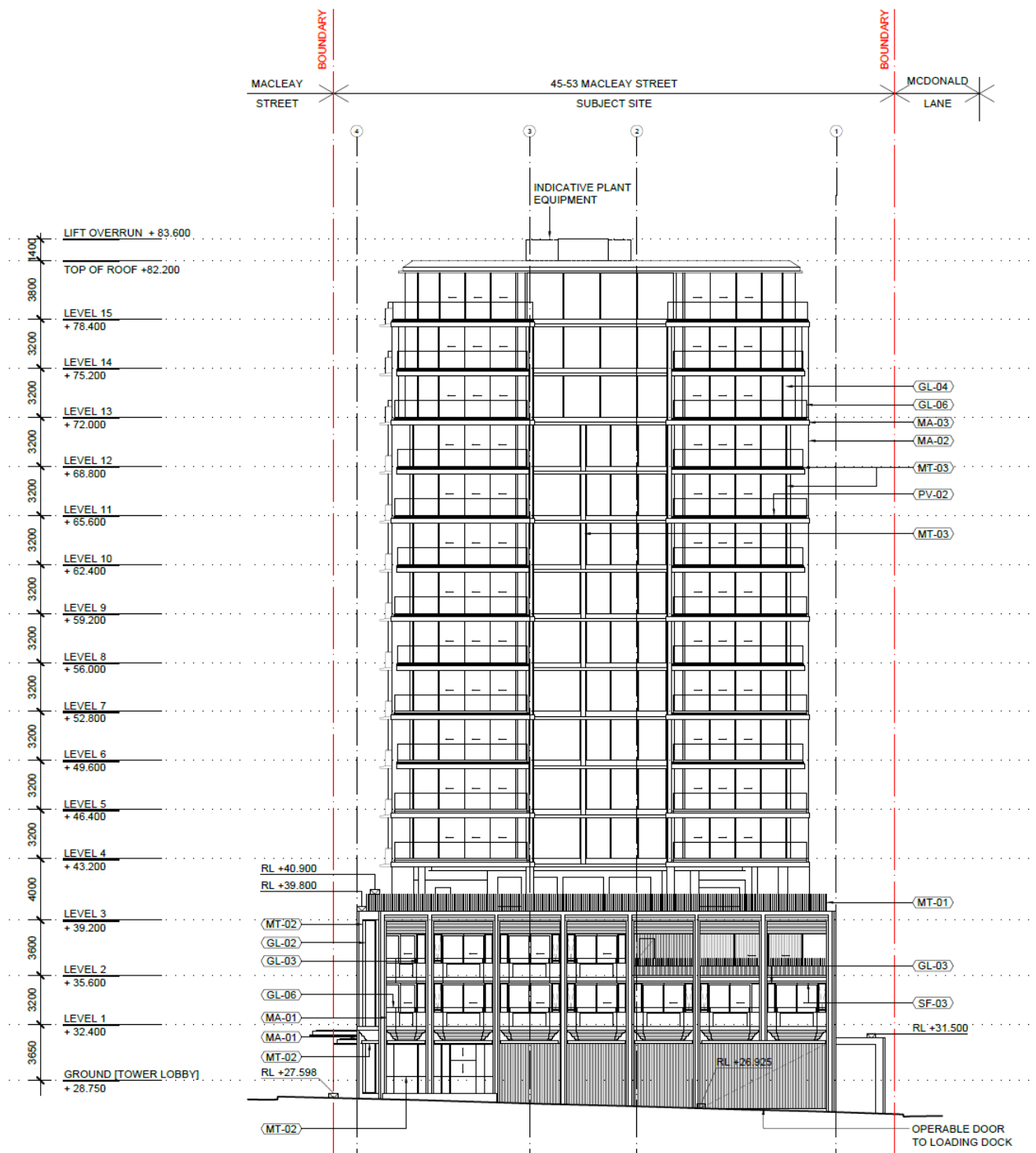


Figure 3. Site Plan for Proposed Development within Subject Property (Elevation) (KHA 2026)



Figure 4. Important Landscape Features in Proximity to the Subject Property

Table 1. Shortlist of threatened species that may use the Subject Property, produced by Land Eco, derived from a 10km BioNet search of the Subject Property's Area (NSW 2026b; 2026d)

Class	Scientific Name	Common Name	BC Act	Habitat usage
Aves	<i>Anthochaera phrygia</i>	Regent Honeyeater	Critically Endangered	Unlikely to occur. Avoids densely built-up, urban environments. Only occurs locally as a vagrant non-breeding visitor.
Aves	<i>Parvipsitta pusilla</i>	Little Lorikeet	Vulnerable	Unlikely to occur. Avoids densely built-up, urban environments. Only occurs locally as a vagrant non-breeding visitor.
Aves	<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	Vulnerable	Occasionally may fly over and utilise the Subject Property to hunt for small prey. The Subject Property is however disturbed by roads and people and is unlikely to be used regularly. However, the Subject Property contains no remnant tall trees suitable for nesting.
Aves	<i>Hieraetus morphnoides</i>	Little Eagle	Vulnerable	Occasionally may fly over and utilise the Subject Property to hunt for small prey. The Subject Property is however disturbed by roads and people and is unlikely to be used regularly. However, the Subject Property contains no remnant tall trees suitable for nesting.
Aves	<i>Lathamus discolor</i>	Swift Parrot	Endangered	Unlikely to occur. Avoids densely built-up, urban environments. Only occurs locally as a vagrant non-breeding visitor.
Aves	<i>Lophoictinia isura</i>	Square-tailed Kite	Vulnerable	Occasionally may fly over and use the Subject Property to hunt small prey. The Subject Property is however disturbed by roads and people and is unlikely to be used regularly. It also does not contain suitable trees for nesting. Square-tailed Kites construct large nest on horizontal forks and branches of tall trees which are not found within or around the Subject Property.
Aves	<i>Ninox connivens</i>	Barking Owl	Vulnerable	Unlikely to occur. Avoids densely built-up, urban environments.
Aves	<i>Ninox strenua</i>	Powerful Owl	Vulnerable	There is a pair of Powerful Owl in Centennial Parklands, and individuals are occasionally observed in Hyde Park. They can forage anywhere there is tree cover in the locality, hunting for rats and possums. May on occasion use the Subject Property to hunt small prey. The tree canopies are too open to present a roosting opportunity but may provide temporary perching on occasion. The Subject Property contains no large hollows in mature trees and is too open and disturbed to be suitable for breeding or permanent habitation.
Aves	<i>Pandion cristatus</i>	Eastern Osprey	Vulnerable	Occasionally may fly over and utilise the Subject Property to hunt for small prey. The Subject Property is however disturbed by roads and people and is unlikely to be used regularly. However, the Subject Property contains no remnant tall trees suitable for nesting.
Aves	<i>Petroica phoenicea</i>	Scarlet Robin	Vulnerable	Unlikely to occur. Avoids densely built-up, urban environments. Only occurs locally as a vagrant non-breeding visitor.

Class	Scientific Name	Common Name	BC Act	Habitat usage
Aves	<i>Tyto novaehollandiae</i>	Masked Owl	Vulnerable	Unlikely to occur. Avoids densely built-up, urban environments.
Aves	<i>Tyto tenbricosa</i>	Sooty Owl	Vulnerable	Unlikely to occur. Avoids densely built-up, urban environments.
Mammalia	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	Endangered	May on occasion fly over and forage around the tree canopies in the Subject Property. This species is unlikely to use the Subject Property's artificial structures as permanent roosting/breeding habitat.
Mammalia	<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	Vulnerable	May on occasion use the Subject Property to forage but generally inhabits moist areas, with trees taller than 20m. The Eastern False Pipistrelle generally roosts in eucalypt hollows but has also been found under loose bark on trees or in buildings. While this species has also been recorded roosting within man-made structures such as large bridges and culverts, the buildings within the Subject Property are not highly suitable for this species.
Mammalia	<i>Micronomus norfolkensis</i>	Eastern Coastal Free-tailed Bat	Vulnerable	May on occasion fly over and forage around the tree canopies in the Subject Property. This species is unlikely to use the Subject Property's artificial structures as permanent roosting/breeding habitat.
Mammalia	<i>Miniopterus australis</i>	Little Bent-winged Bat	Vulnerable	May on occasion fly over and forage around the tree canopies in the Subject Property. However, Little Bent-winged Bats generally forage beneath the canopy of densely vegetated habitats and roost in limestone caves which are absent from the Subject Property. It is therefore unlikely that the Subject Property acts as an important foraging or roosting site.
Mammalia	<i>Miniopterus orianae oceanensis</i>	Large Bent-winged Bat	Vulnerable	May on occasion fly over and forage around the tree canopies in the Subject Property. This species is unlikely to use the Subject Property's artificial structures as permanent roosting/breeding habitat as this species primarily uses limestone caves.
Mammalia	<i>Myotis macropus</i>	Southern Myotis	Vulnerable	May on occasion fly over and forage around the tree canopies in the Subject Property. This species is unlikely to use the Subject Property's artificial structures as permanent roosting/breeding habitat.
Mammalia	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable	Occasionally may use the habitat to forage on nectar from flowering/fruiting trees. Unlikely to roost or breed within the Subject Property due to low habitat connectivity, low abundances of large native trees, and the highly disturbed and urbanised nature of the Subject Property and surrounding area.
Mammalia	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	Vulnerable	Occasionally may use the habitat to forage around tree canopies. This species is unlikely to use the artificial structures within the Subject Property as permanent roosting/breeding habitat. While this species has been

Class	Scientific Name	Common Name	BC Act	Habitat usage
				recorded roosting within man-made structures such as large bridges and culverts, the buildings are disturbed within the Subject Property and are not highly suitable for this species.
Mammalia	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	Vulnerable	May on occasion fly over and forage around the tree canopies in the Subject Property. This species generally roosts in tree hollows which are absent from the Subject Property. While this species has also been recorded roosting within man-made structures such as roofs of buildings, the buildings within the Subject Property are not highly suitable for this species.

Table 2. Analysis of BDAR waiver request information required

Action	Details
Administration	This BDAR waiver was prepared by a qualified Ecologist for a State Significant Development (SSD-83867719).
Site Details	The Subject Property contains an existing 12-storey residential flat building comprising 80 studio apartments and associated car parking at 45-53 Macleay Street, (Lot 3/-/SP934), Potts Point (Figure 1). The Subject Property is located within the Council of the City of Sydney within land mapped as 'Land excluded from LLS Act' (NSW DCCEEW 2026c).
Proposed Development	The proposed development involves the demolition of the existing man-made building within the Subject Property and construction and operation of a 16-storey shop top housing development comprising ground floor retail with a 15-storey residential tower above and basement car parking. All vegetation proposed for removal on the Subject Property has been assessed by a qualified and experienced Ecologist (Table 3).
Impacts on Biodiversity Value	Impacts to Biodiversity Values were assessed by a qualified and experience Ecologist. Details of Biodiversity Value, their Meaning and Relevance and an explanation of the potential impacts are detailed in Table 3 .

Table 3. Analysis of Impacts of the Proposed Development on Biodiversity Values

Biodiversity Value	Meaning	Relevant (✓ or N/A)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
Vegetation abundance – 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	The proposed development avoids impacting upon areas of remnant native vegetation through its situation within a historically cleared urban matrix. Given that the vegetation is all historically planted, and the trees/shrubs are a mix of exotic and non-indigenous native species, the loss of this vegetation from an urban/industrial landscape in this context is not considered significant to the IBRA sub-bio region, or to any threatened species that may utilise the vegetation on occasion.
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.	✓	The Subject Property consists of hardstand and buildings with narrow garden beds planted with predominantly exotic trees, shrubs and groundcovers. The composition, structure and function of vegetation at the site and the surrounding landscape has been extensively altered due to historical clearing, landscaping, infill planting and ongoing garden maintenance, no longer representing a natural state. It currently represents low conservation value. The vegetation within the Subject Property is not representative of a plant community type or intact ecosystem. Replacement/enhancement planting of locally native species is recommended elsewhere on the Subject Property as a part of the proposed development to maintain the native biodiversity. There will be no significant impact upon the vegetation integrity of the Subject Property beyond its current state.
Habitat suitability – 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site.	✓	The Subject Property does not provide important habitat to any threatened species. Threatened bird species listed in Table 1 such as raptors and owls may fly over and perch in tree on the margins of the Subject Property (NSW DCCEEW 2026d). Due to the limited number of trees and largely exotic vegetation,

Biodiversity Value	Meaning	Relevant (✓ or N/A)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
			it is unlikely that the habitat within the Subject Property provides substantial foraging habitat for these species. The human disturbance and lack of hollow-bearing trees and habitat connectivity make it unlikely that the avian species mentioned in Table 1 would use the Subject Property to nest (NSW DCCEEW 2026d). In addition, any bird species that may utilise the Subject Property are highly mobile and can fly over the 'hostile matrix' of the City of Sydney without the need for substantial vegetation cover, and therefore would not rely on the trees proposed for removal to facilitate their movement. Grey-headed Flying-fox may intermittently fly over the Subject Property and perch in these trees during flowering/fruiting periods, however, these trees occur in low numbers and with poor habitat connectivity to more abundant patches of remnant, native vegetation of flowering trees and shrubs (NSW DCCEEW 2026d). It is unlikely that the trees and the habitat within the Subject Property would form an important foraging resource for the Grey-headed Flying-fox as this species is highly mobile and capable of moving significantly long distances during foraging (NSW DCCEEW 2026d; TSSC 2001). Suitable foraging habitat will remain in the locality post-development. It is not expected the Subject Property would form important roosting or breeding habitat for threatened species as the Subject Property is too open and disturbed. Locally occurring threatened microbat species listed in Table 1 may occasionally forage within and fly over the Subject Property (NSW DCCEEW 2026d). However, due to the limited canopy cover and disturbed urban locality, the Subject Property is unlikely to form important foraging habitat for these species (NSW DCCEEW 2026d). Suitable foraging and roosting habitat will continue to remain in the locality post-development, as such the local occurrence of these species will not be substantially impacted. No other threatened species are highly likely to use the habitat within the Subject Property.

Biodiversity Value	Meaning	Relevant (✓ or N/A)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
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	✓	The proposed development will not significantly impact on the occurrence and abundance of threatened entities on the Subject Property or locality. Locally occurring birds of prey will likely only use the Subject Property sporadically due to low connectivity to remnant vegetation (NSW DCCEEW 2026d). Grey-headed Flying-fox will only use the Subject Property when their foraging trees are in flower/ fruiting. Grey-headed Flying-foxes are capable of nightly flights of up to 50 km from their roost to different feeding areas as food resources change (NSW DCCEEW 2026d; TSSC 2001) and therefore the loss of these feed trees is unlikely to cause a major impact on their local abundance. It is recommended that any replacement planting includes suitable nectar bearing indigenous trees to provide suitable habitat for these species. It is unlikely that the Subject Property forms important foraging habitat for threatened microbat populations listed in Table 1 given the urban locality and disturbed nature of the area (NSW DCCEEW 2026d). However, the demolition of buildings has the possibility of effecting locally occurring microbat species that may be roosting inside. Suitable foraging and roosting habitat will continue to remain in the locality post-development. The complete removal of vegetation and the demolition of buildings may minimally reduce the abundance of threatened species within the Subject Property. However, due to the low overall impact and isolation of the habitat within a hostile urban matrix, the overall value to these species is negligible.
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	N/A	The Subject Property has the potential to facilitate the movement of threatened species across their range. The Grey-headed Flying-fox and microbats may temporarily stop and forage in/around the ornamental trees (NSW DCCEEW 2026d). However, these species are highly mobile and can fly over the 'hostile matrix' of the City of Sydney without the need for cover, and therefore would not heavily rely on the trees proposed for removal for facilitated movement (NSW DCCEEW 2026d; TSSC 2001). The proposed development will not significantly impact on habitat connectivity. The vegetation within the Subject Property is an isolated patch of historically planted specimens. There is low habitat connectivity with natural areas.
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	N/A	The proposed development will not significantly impact any threatened species' movement. Although, threatened species including the Grey-headed Flying-fox and Powerful Owl may temporarily forage in the Subject Property, these species do not rely on these trees within the Subject Property to facilitate their movement to maintain their lifecycle (NSW DCCEEW 2026d). These species are highly mobile.

Biodiversity Value	Meaning	Relevant (✓ or N/A)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation
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	✓	There is the potential that the proposed development will interfere with 'flight paths' of some protected animals. Many protected animals including threatened species discussed in Table 1 such as the Grey-headed Flying-fox, microbats, and birds such as Raptors, and nectarivorous birds could potentially utilise flight paths over the Subject Property (NSW DCCEEW 2026d). Other protected species such as the Australian White Ibis (<i>Threskiornis moluccus</i>) are likely to use the locality. These species are generally widespread and adapted to urban areas with tall buildings. The building is proposed to be 50.05 metres tall (Urbis 2026). The proposed development will largely be in scale with the neighbouring building heights. The proposed development will not significantly impact on flight path integrity beyond its current state. Many of the species that may utilise this flight path including the Grey-headed Flying-fox (TSSC 2001) and microbat species are highly mobile and can change their movement patterns to avoid collisions with buildings (NSW DCCEEW 2026d).
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.	N/A	There are no watercourses within the Subject Property. The proposed development will not significantly impact on water sustainability due to the low-lying, flat topography of the local area.



www.landeco.com.au