

16 October 2020

Jim Betts
Secretary
NSW Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Amy Watson (Team Leader, Key Sites Assessments)

Dear Amy,

**RE: Request for Biodiversity Diversity Development Assessment Report Waiver
175 – 177 Cleveland Street, Redfern – Proposed Boarding House Development**

This letter has been prepared on behalf of EG to seek a waiver for the preparation of a Biodiversity Development Assessment Report (BDAR) for the State Significant Development Application (SSDA) for site located 175 – 177 Cleveland Street, Redfern relating to a mixed use boarding house development.

Under section 7.9 of the *Biodiversity Conservation Act 2016*, (the BC Act), preparation of a BDAR is required for SSD that is assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EPAA). Section 7.9 reads as follows (with emphasis added):

7.9 Biodiversity assessment for State significant development or infrastructure

(1) *This section applies to:*

(a) an application for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* for State significant development, and

(b) an application for approval under Part 5.1 of the *Environmental Planning and Assessment Act 1979* to carry out State significant infrastructure.

(2) 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.

(3) *The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the *Environmental Planning and Assessment Act 1979*.*

The SSDA will be assessed under Part 4 of the EPAA and therefore would generally be required to include a biodiversity development assessment report. However, as shown in the above extract, sub-section (2) allows for exemption from the requirement where the development is unlikely to have any significant impact on biodiversity values. We believe the subject SSDA should qualify for such an exemption given the site's locational attributes. The site is situated in

a fully developed commercial area and contains no known threatened species/ecological communities or associated habitat. Details of the site and proposal are provided in Table 1 below.

Under section 6.12 of the Act, a biodiversity development assessment report must assess the biodiversity values of the subject land. These values are identified under section 1.5 of the Act and clause 1.4 of the *Biodiversity Conservation Regulation 2017* (the regulations). Table 2 below provides a summary assessment of the site in terms of these values.

TABLE 1: BDAR Waiver Request Information Requirements	Comment / Information
Proponent name and contact details	EG C/o Mecone, Level 12, 179 Elizabeth Street, Sydney, NSW 2000 T. 02 8667 8668 info@mecone.com.au
Project ID	TBC
Name and ecological qualifications of person completing Table 2.	Provisionally, no biodiversity values are expected to be relevant to the proposed development, therefore further assessment by a suitably qualified person may not be required – see Table 2.
Street address, Lot and DP, local government area.	175 – 177 Cleveland Street and 1 – 5 Woodburn Street, Redfern. Lot 5 in DP 2151685 Lot 4/2 in DP 977379 Lot 3/2 in DP 977379 Lot 10 in DP 809537 Lot 1 in DP 1093304 Lot 1 in DP 724328 Lot 15 in DP 57107 City of Sydney LGA
Description of existing development site, i.e. the area of land that is subject to the proposed development application.	The site is extensively developed and currently contains two buildings used for commercial purposes. The north western portion of the site contains a part one and part two storey industry building. The north eastern portion contains an open car park adjoined by a two storey brick warehouse. The site is devoid of landscaping. Street tree planting is accommodated adjacent to the stie along the primary frontage facing Cleveland Street. Site area: 1,062m ²

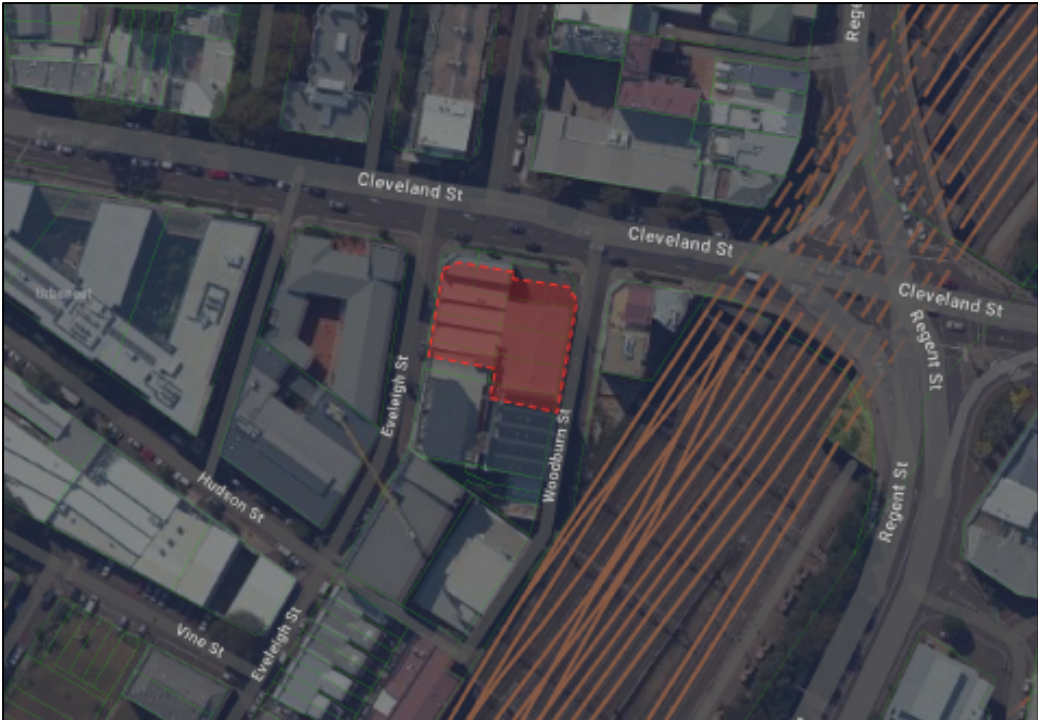
TABLE 1: BDAR Waiver Request Information Requirements	Comment / Information
<p>Location map showing the development site in the context of surrounding areas and landscape features. Satellite image of site in context of adjoining sites.</p>	 <p>Source: Mecone/ Google</p>
<p>Site Map (to scale, ideally as a spatial shapefile).</p>	<p>To be forwarded.</p>
<p>Project Description providing enough information to enable an understanding of the nature and scale of the proposed development and any associated activities (including construction etc).</p>	<p>The proposal is expected to include the following:</p> <ul style="list-style-type: none"> • Construction of a six (6) storey mixed use boarding house, comprising: <ul style="list-style-type: none"> ○ 3,717m² of GFA (FSR of 3.5:1) comprising 150m² of retail and 3,567m² of boarding house GFA; ○ 115-125 boarding rooms; ○ Ground floor retail uses fronting Cleveland and Eveleigh streets; ○ Communal facilities including an open to the sky internal courtyard; • Associated landscape works; and • Extension and augmentation of services and infrastructure as required.


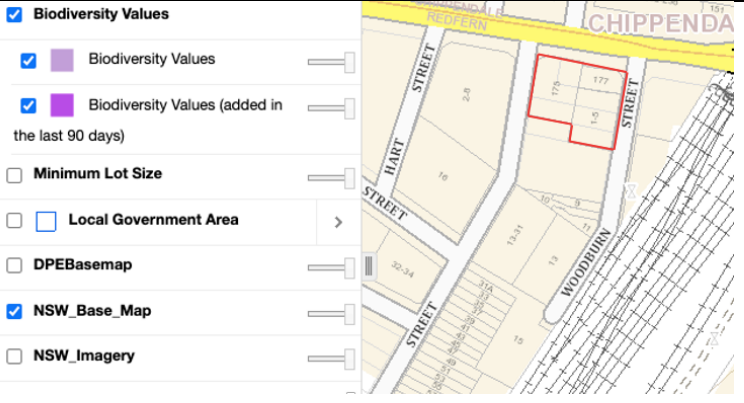
TABLE 1: BDAR Waiver Request Information Requirements	Comment / Information
Proposed Site Plan.	 <p>Source: Urban Possible</p>
Complete Table 2 below on Biodiversity Values.	See Table 2 below

TABLE 2 - Biodiversity Value	Comment
Section 1.5 of the Act	
(a) 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,	The site consists predominantly of buildings and impermeable surfaces. It is substantially altered from a natural state. As such, the site exhibits no vegetation integrity. The site is located in a highly urbanised environment and is consequently not located in the vicinity of any vegetation in the surrounds.
(b) habitat suitability —being the degree to which the habitat needs of threatened species are present at a particular site,	The site is located in a dense urban environment. There are no known threatened species present on the site. Further, the Sydney LEP 2012 and Sydney DCP 2012 do not identify the site as containing significant habitat.
(c) biodiversity values , or biodiversity-related values, prescribed by the regulations	No features from the Biodiversity Values Map and Threshold Tool are recorded on the site or vicinity. See below.

TABLE 2 - Biodiversity Value	Comment
	 <p>Source: https://www.lmbc.nsw.gov.au/ Copyright NSW Office Of Environment and Heritage</p>
Clause 1.4 of the regulations	
(a) threatened species abundance —being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,	No threatened species are known to occur at the site.
(b) vegetation abundance —being the occurrence and abundance of vegetation at a particular site,	There is no identified abundance of vegetation at the site or on adjoining sites.
(c) habitat connectivity —being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,	The site is located in a dense urban environment and is not known to function as a connection or corridor between habitats of threatened species.
(d) threatened species movement —being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,	The site is located in a dense urban environment and is not known to contribute to the movement of threatened species.
(e) flight path integrity —being the degree to which the flight paths of protected animals over a particular site are free from interference,	The site is not extensive in area and the airspace above the site is not known to function as a flight path for any protected animals.
(f) 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.	The site does not contain water bodies or support hydrological processes that sustain threatened species or threatened ecological communities.

In light of the above, there are no known biodiversity values relevant to the site or the proposed development. As such, there is not expected to be potential for direct or indirect impacts on

biodiversity value on the site or off-site. We therefore respectfully request that the requirement for preparation of BDAR be waived.

Please do not hesitate to contact me on (02) 8667 8668 or bhendriks@mecone.com.au if you require any further information or have any queries on this matter.

Yours sincerely,



Ben Hendriks

Director