

Our ref: Shop top housing with affordable housing – 810 Pacific Highway, Gordon (SSD-101444458)

Mr Michael Azar
Project Director
Ecove Group Pty Ltd
Locked Bag 1451
Meadowbank NSW 2114

3 February 2026

Subject: Shop top housing with affordable housing (SSD-101444458) – Request to waive the requirement for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

Dear Mr Azar

I refer to your correspondence dated 27 November 2025 and additional information dated 19 January 2026, regarding the request to waive the requirement 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 (BC Act):

“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.”

This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure (the Department) has determined that the proposed development, as described above, and located at 810 Pacific Highway, Gordon is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

I, as Delegate of the Planning Secretary within the Development Assessment and Sustainability division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water (Director) has made the determination is attached (dated 22 January 2026).

If there are any amendments to the proposed development, a fresh request for a BDAR waiver determination will be required or a BDAR may need to be prepared.

Department of Planning, Housing and Infrastructure



Should you have any further enquiries, please contact Kevin Kim on (02) 8289 6728 or via email to kevin.kim@dpie.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink that reads "A. Coomar".

Aditi Coomar
Team Leader
Affordable Housing Assessments
As delegate of the Planning Secretary

Encl: CPHR of NSW DCCEEW determination

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

I, Kerryn Richardson, Director Conservation Planning and Assessment, of the Department of Climate Change, Energy, the Environment and Water, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that the proposed shop top housing development with in-fill affordable housing at 810 Pacific Highway, Gordon (SSD- 101444458) is not likely to have any significant impact on biodiversity values. Therefore, a biodiversity development assessment report is not required.

Proposed development means the development as described in DOC25/1075539 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



22 January 2026

Kerryn Richardson
Director Conservation Planning and Assessment
Conservation Programs, Heritage and Regulation Group

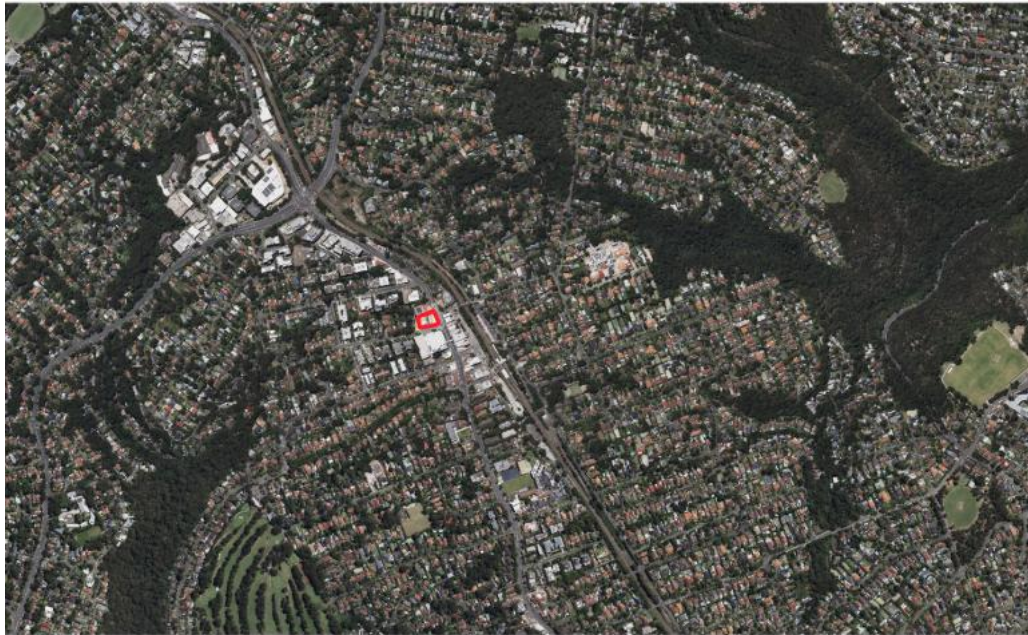
Date

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application for shop top housing development with in-fill affordable housing (SSD-101444458) at 810 Pacific Highway, Gordon as detailed in the BDAR waiver application prepared by Ecological Solutions Pty Ltd dated 27 November 2025.

Refer to:

- Figure 1 Location Map
- Figure 2 Proposed Site Plan



Legend

— Subject Site - 810 Pacific Hwy, Gordon

0 250 500 m



Figure 1 Location Map



Figure 2 Proposed Site Plan



Your ref: SSD-101444458
Our ref: DOC25/1075539

Kevin Kim
A/Team Leader
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

22 January 2026

Subject: BDAR waiver request – Shop top housing development with in-fill affordable housing at 810 Pacific Highway, Gordon (SSD-101444458)

Dear Kevin,

I refer to the 8 December 2025 request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State significant development application.

I have reviewed the information provided by the applicant in the BDAR waiver application dated 27 November 2025 and additional information dated 16 January 2026 prepared by Ecological Solutions Pty Ltd, and determine the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

Please note if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by the Conservation Programs and Heritage Regulation (CPHR) Group. The decision report should only be provided to the applicant with the prior approval of CPHR.

Should you have any queries regarding this matter, please contact the Central Metropolitan Planning Team at rog.gsrplanning@environment.nsw.gov.au.

Yours sincerely

Kerryn Richardson

Director
Conservation Planning and Assessment
Conservation Programs, Heritage and Regulation

Encl 1. DCCEEW, CP&A determination
2. DCCEEW, CP&A recommendation report

Biodiversity Development Assessment Report (BDAR) Waiver Request

State Significant Development

810 Pacific Highway, Gordon NSW

Lot 12 DP 631351

Prepared for:
Ecove Group Pty Ltd

Prepared by:
Guy Smith
Director / Consultant Ecologist
Ecological Solutions Pty Ltd
ABN: 72 690 777 032
0434848732
Guy@ecologicalsolutions.co
Date: 27/11/2025



**Ecological
Solutions**

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1. Introduction

This correspondence constitutes a formal request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) under Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act).

The request relates to the proposed State Significant Development (SSD) at 810 Pacific Highway, Gordon. The proposal seeks consent for a mixed-use shop top housing development comprising a full-line Aldi supermarket and approximately 180 residential apartments. The site is located within a Transport Oriented Development (TOD) Area and is zoned E1 Local Centre.

2. Subject Site & Biodiversity Value Considerations

The subject site, legally defined as Lot 12 DP 631351, has a total site area of 2,357 m². The site previously accommodated a five-storey commercial office building which has been largely demolished, currently presenting as a brownfield site containing a semi-demolished, derelict car park structure. The site's address is 810 Pacific Highway, Gordon 2072.

A specific assessment of biodiversity values was undertaken to determine if the proposed development is likely to have a significant impact on biodiversity values. The assessment confirmed that:

1. **Vegetation:** The site is highly modified, urban and currently sits in a heavily degraded state. Vegetation is limited to a very small area of low-quality exotic vegetation with scattered planted natives that function as historic landscaping relevant to the semi-demolished development rather than any remnant plant community types ([Appendix 1 - Subject Site & Vegetation Map](#)). Further information on vegetation present within the site is included in the tables below and representative photos are included within the appendix.
2. **Threatened Species (Prescribed Impacts):** Given the presence of a derelict structure, the potential for prescribed impacts on microbat roosting habitat (under Clause 6.1 of the *Biodiversity Conservation Regulation 2017*) was the primary biodiversity consideration. A thorough physical inspection confirmed the absence of roosting bats or any evidence of their presence ([Appendix 4 - Representative Site Photographs](#)).
3. **Mapping:** The site is not mapped on the Biodiversity Values (BV) Map ([Appendix 5 - BMAT Report Findings](#)).

Table 1: BDAR Waiver Request Information Requirements

Section	Requirement	Response / Content to Insert
Administration	Proponent name and contact details	Proponent: Ecove Group Pty Ltd Contact: Brendan Nelson (Solve Property) Email: brendan.nelson@solveproperty.com.au Phone: 0467 719 198
	Project ID	SSD Application pending lodgement
	Author's name and ecological qualifications	Name: Guy Smith Qualifications Summary: Mr. Smith holds a Bachelor of Natural Science (Animal Science) and a Graduate Diploma in Environmental Science (Appendix 8). He has almost 10 years of industry experience in environmental consulting and both in the private and public sectors, well exceeding the three-year requirement. His professional experience includes: • Direct assessment of complex environmental matters under the NSW Biodiversity Conservation Act 2016 (BC Act). • Preparation and review of documents, including Biodiversity Development Assessment Reports (BDAR) , for Major Projects like State Significant Developments (SSD). • Extensive field work experience in Flora & Fauna Assessments , ecological community identification , and targeted wildlife monitoring.

Section	Requirement	Response / Content to Insert
Site Details	Address, Lot and DP, LGA	Street Address: 810 Pacific Highway, Gordon NSW Lot/DP: Lot 12 DP 631351 LGA: Ku-ring-gai Council
	Description of existing development site	The site occupies a landmark corner position (Pacific Hwy and Dumaresq St) opposite the Gordon Centre. It currently contains a partially demolished commercial building and a derelict car park structure. The site is urban, highly modified, and contains no mapped native vegetation that would conform to any listed Plant Community Type (Appendix 1 - Survey Site & Vegetation Map).
	Maps	Refer to Appendix 3 - Landscape Context
Proposed Development	Project Description	Construction of a mixed-use development comprising a maximum building height of approx. 95.55m (approx. 28 storeys). The proposal includes a full-line Aldi supermarket, approx. 180 apartments (including affordable housing), and six basement levels of parking.
	Proposed Site Plan	Refer to Appendix 6 - Proposed Site Plans

Table 2: Impacts of the Proposed Development on Biodiversity Value

Biodiversity Value	Meaning	Explain and document potential impacts (Assessment)
Vegetation Abundance & Integrity	Occurrence, abundance, and integrity of vegetation	The site is an urban infill site that has been previously developed. Vegetation is limited to a very small area of low-quality, highly degraded vegetation (0.018ha) (Appendix 1 - Subject Site & Vegetation Map). This vegetation comprises a majority of exotic/weed species (e.g., <i>Erharta erecta</i>, Crofton weed, <i>Bidens pilosa</i>) and scattered planted natives. Approximately 72% of the plant species identified on site are exotic (Appendix 7 - Flora Survey List), as per a comprehensive field survey undertaken by the author on Tuesday 25th November 2025. These plantings are not consistent with a native plant community type (PCT) known to occur in the IBRA subregion and act solely as historic urban landscaping. The removal of this non-remnant vegetation is considered a negligible impact on biodiversity values. The landscaping in the proposed site plan would see a net increase in vegetation cover within the site and likely, an increase in overall biodiversity value and utility. A single eucalypt species was identified within the site using assistance from historic imagery available. The tree was observed to have previously been cut off at ground level and had commenced coppicing when the site visit was undertaken. Through assessment of historical imagery available, the tree was able to be identified as a Tallowwood (<i>Eucalyptus microcorys</i>). This species's natural distribution's southern limit is around the Cooranbong / Lake Macquarie region. The historic images of this tree within a garden bed (Photo 9) and the fact that its occurrence on site is well beyond the southern extent of its natural limit strongly indicates that the tree is the result of historic plantings on the site and is not remnant vegetation.

Biodiversity Value	Meaning	Explain and document potential impacts (Assessment)
Habitat Suitability	Degree to which habitat needs of threatened species are present	The site contains no geological features such as karst, caves, crevices, cliffs, or significant rocks. Human-made Structures: The potential for prescribed impacts on threatened microbat species associated with the demolition of human-made structures (derelict car park/commercial building remnants) was the primary biodiversity consideration for the site. To conclusively assess this risk, a thorough daytime roost search (in accordance with industry best practice guidelines) was undertaken (on Tuesday 25th November 2025) of all potential roosting habitat within the derelict structure. These searches focused on suitable microbat roosting locations, including: • Cracks, crevices, and joints within the concrete structure. • Voids and gaps behind peeling render or building cladding. • Internal spaces, including derelict air conditioning vents and ducting (See Photo 5 and 6, Appendix 4). A high-powered, 1500 lumen (lm) handheld torch was used to illuminate these potential roost sites, ensuring all dark and concealed areas were thoroughly inspected for bats or signs of bat activity. No roosting microbats or evidence of their presence (such as guano or staining) was identified during the search. A pile of guano observed on level 3 of the semi-demolished car park was visually confirmed to be pigeon guano, with pigeons still actively inhabiting that

Biodiversity Value	Meaning	Explain and document potential impacts (Assessment)
		section of the structure (See Photo 7, Appendix 4). Therefore, the likelihood of the proposed demolition resulting in a significant impact on threatened microbat abundance is highly unlikely. To eliminate the highly unlikely risk of inadvertently impacting microbat species (including listed threatened species) that might inhabit the structure prior to it's demolition, it is recommended that a pre-demolition survey should be undertaken immediately prior to the structure's removal.
Threatened Species Abundance	Occurrence of threatened species or their habitat	Prescribed Impacts Assessment (Clause 6.1(1)(a)(iii)): The proposal involves the demolition of human-made structures. To assess the prescribed impact on threatened species (specifically microbats), a thorough daytime roost search was conducted of all potential roosting locations within the derelict car park and building fabric. No bats or signs of bat activity (guano/staining) were identified; only pigeon guano was present. Therefore, it is highly unlikely that the proposed development, including demolition of the existing derelict structure will result in a significant impact on threatened species abundance.

Biodiversity Value	Meaning	Explain and document potential impacts (Assessment)
Habitat Connectivity & Movement	Connection of habitat areas/movement of threatened species	The site is located approximately 200m from Gordon Railway Station in a high-density urban center. It is bounded by major roads (Pacific Highway and Dumaresq Street). The brownfield site does not connect areas of habitat, nor does it function as a movement corridor for threatened species across their range (Appendix 3). There is no vegetation, native or exotic, currently on site that would facilitate the movement of threatened species across the landscape. All vegetation is well below the height of the security fencing surrounding the site.
Flight Path Integrity	Interference with flight paths of protected animals	The proposed building height is approximately 95.55m. The site is in a Transport Oriented Development (TOD) precinct designated for high-density development. There are no large, significant or RAMSAR listed wetlands within a 10km radius of the Subject Site. The proposed development is highly unlikely to significantly interfere with known flight paths of protected animals. No wind turbines or similar structures are proposed as a part of the development.
Water Sustainability	Water quality and hydrological processes	The site is not flood-prone and is not subject to significant overland flow. Standard construction protocols, including stormwater management and erosion controls, will be implemented to ensure no impact on hydrological processes, water quality, or water bodies that sustain threatened species. There are no mapped watercourses on or within proximity of the Subject Site.

3. Conclusion

This biodiversity assessment, prepared by a suitably qualified person, demonstrates that the proposed State Significant Development at 810 Pacific Highway, Gordon, is not likely to have any significant impact on biodiversity values.

The assessment relies on the following key findings:

- **Biodiversity Values Map:** The development footprint does not intersect with land mapped on the Biodiversity Values (BV) Map.
- **Vegetation:** Vegetation on site is limited to a small area (0.018ha) of highly degraded, exotic weeds and historical plantings that do not conform to any native Plant Community Type (PCT) or currently provide any biodiversity value of note to threatened species or their habitats.
- **Prescribed Impacts:** A targeted daytime roost search of the derelict structure, utilizing a high-powered, hand held torch, confirmed the absence of roosting microbats or evidence of their presence.
- **Site Context:** The site is a brownfield lot located within a high-density Transport Oriented Development (TOD) precinct. The urban context and lack of aquatic features effectively rule out impacts on habitat connectivity, flight path integrity, and water sustainability.

Accordingly, the Applicant formally requests that the requirement for a Biodiversity Development Assessment Report (BDAR) be waived in accordance with Section 7.9(2) of the *Biodiversity Conservation Act 2016*.

Appendix

Appendix 1 - Subject Site & Vegetation Map

Subject Land Including Mapped Vegetation



Legend

- Subject Site & Survey Area
- Vegetation - Planted & Highly Degraded: 0.018ha

0 10 20 m



Appendix 2 - GPS Survey Tracks

Subject Land Including Survey Effort



Legend

- Subject Site & Survey Area
- GPS Survey Tracks

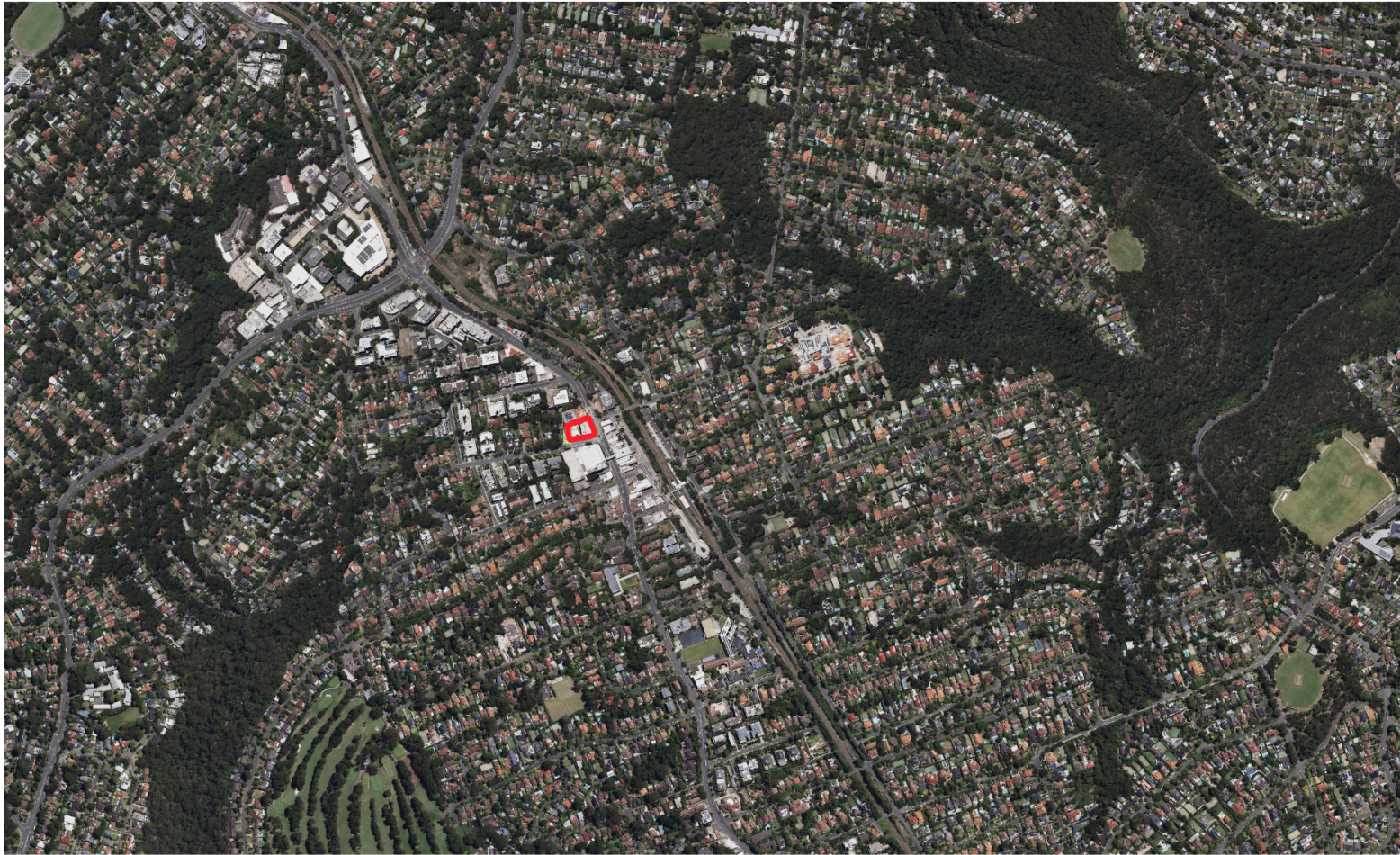
0 10 20 m



Note that due to the majority of surveys being undertaken within the levels of the semi-demolished concrete carpark structure, the accuracy of the GPS fixes during survey was reduced and thrown off on occasion as can be seen in the above site map.

Appendix 3 - Landscape Context

Subject Site - Landscape Context



Legend

— Subject Site - 810 Pacific Hwy, Gordon

0 250 500 m



Appendix 4 - Representative Site Photographs



Photo 1 - Vegetation present on site within the south-western corner.



Photo 2 - Vegetation present within the south-eastern corner



Photo 3 - Semi-demolished car park facility in the centre of the site



Photo 4 - representative image of the internal structure of the semi-demolished structure



Photo 5 - representative photo of inspections of derelict air conditioning vents undertaken within the semi-demolished structure



Photo 6 - Inspection of possible bat roosting locations behind derelict air vets undertaken throughout the semi-demolished structure



Photo 7 - Pigeon guano observed within the top level of the semi-demolished structure



Photo 8 - Vegetation present along the boundary fence in the north eastern corner



Photo 9. Street level image from 2019 indicating the location of the three key permanent features used as reference points in order to locate the eucalypt in question (teal arrow). This angle provides conclusive evidence to allow the positive identification of the tree as a *Eucalyptus microcorys* (Tallowwood).

Appendix 5 - BMAT Report Findings



Department of Planning and Environment

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to your local council to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

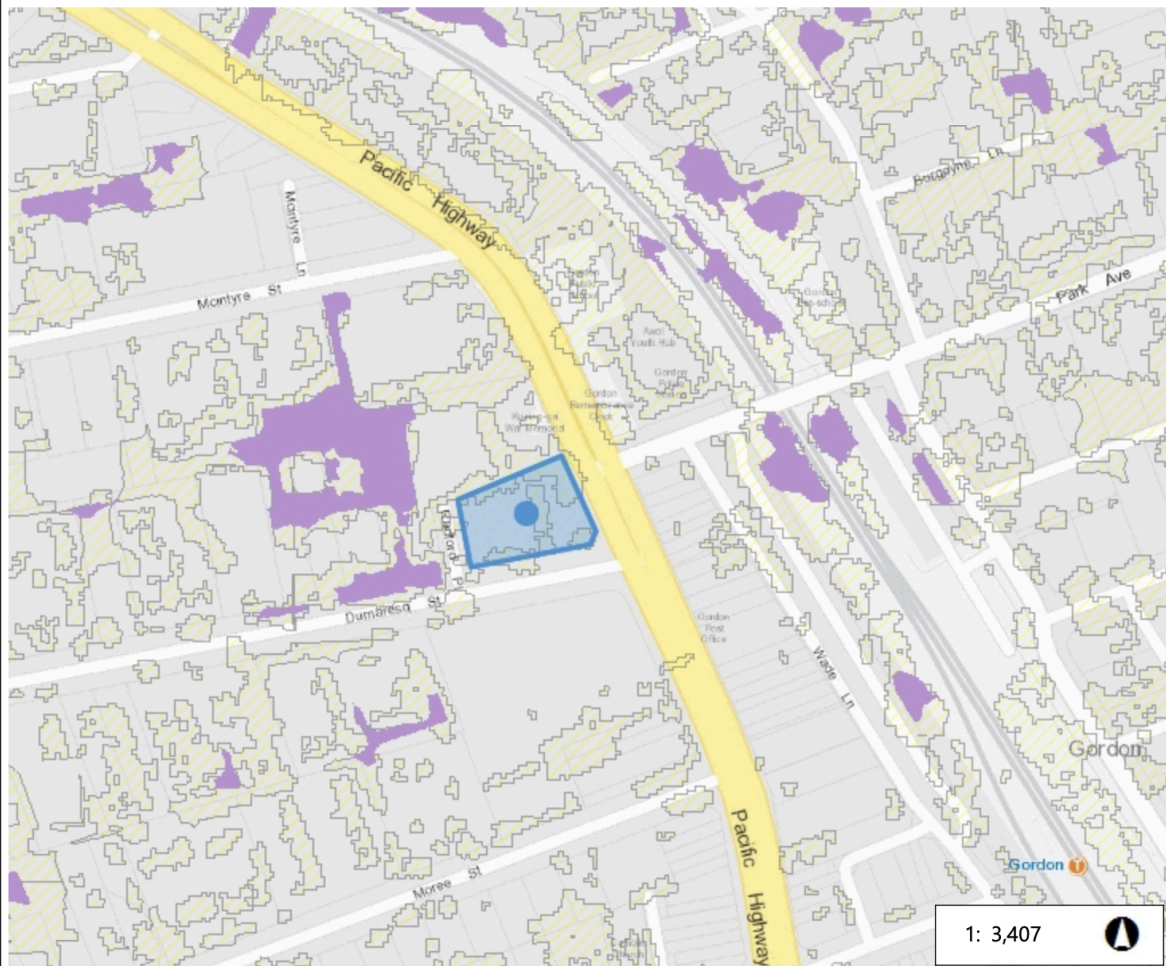
There are two pathways for determining whether a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report

Date of Report Generation		27/11/2025 8:46 PM
1. Biodiversity Values (BV) Map - Results Summary (Biodiversity Conservation Regulation Section 7.3)		
1.1	Does the development Footprint intersect with BV mapping?	no
1.2	Was ALL BV Mapping within the development footprint added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
1.3	Date of expiry of dark purple 90 day mapping	N/A
1.4	Is the Biodiversity Values Map threshold exceeded?	no
2. Area Clearing Threshold - Results Summary (Biodiversity Conservation Regulation Section 7.2)		
2.1	Size of the development or clearing footprint	2,175.3 sqm
2.2	Native Vegetation Area Clearing Estimate (NVACE) (within development/clearing footprint)	789.6 sqm
2.3	Method for determining Minimum Lot Size	Lot size
2.4	Minimum Lot Size (10,000sqm = 1ha)	2,399 sqm
2.5	Area Clearing Threshold (10,000sqm = 1ha)	2,500 sqm
2.6	Does the estimate exceed the Area Clearing Threshold? (NVACE results are an estimate and can be reviewed using the Guidance)	no
REPORT RESULT: Is the Biodiversity Offset Scheme (BOS) Threshold exceeded for the proposed development footprint area? (Your local council will determine if a BDAR is required)		no

Biodiversity Values Map



173.1 0 86.54 173.1 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days
- Native Vegetation Area Clearing Estimate (NVACE)
- Development area selected by proponent

27/11/2025 08:46 PM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

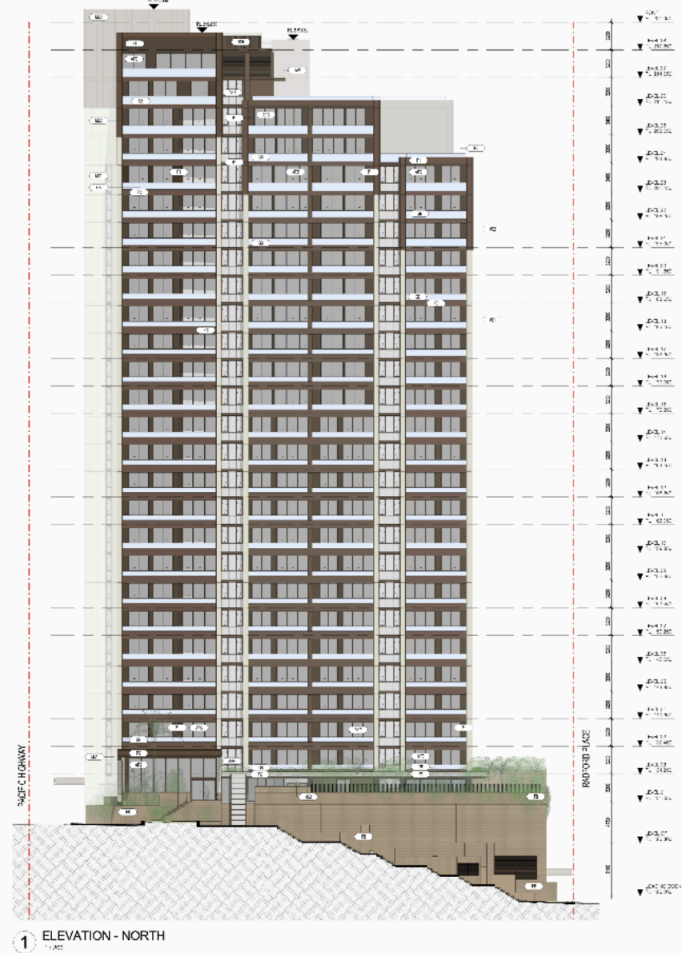
© NSW Department of Planning and Environment

The results provided in this tool are generated using the best available mapping and knowledge of species habitat requirements.

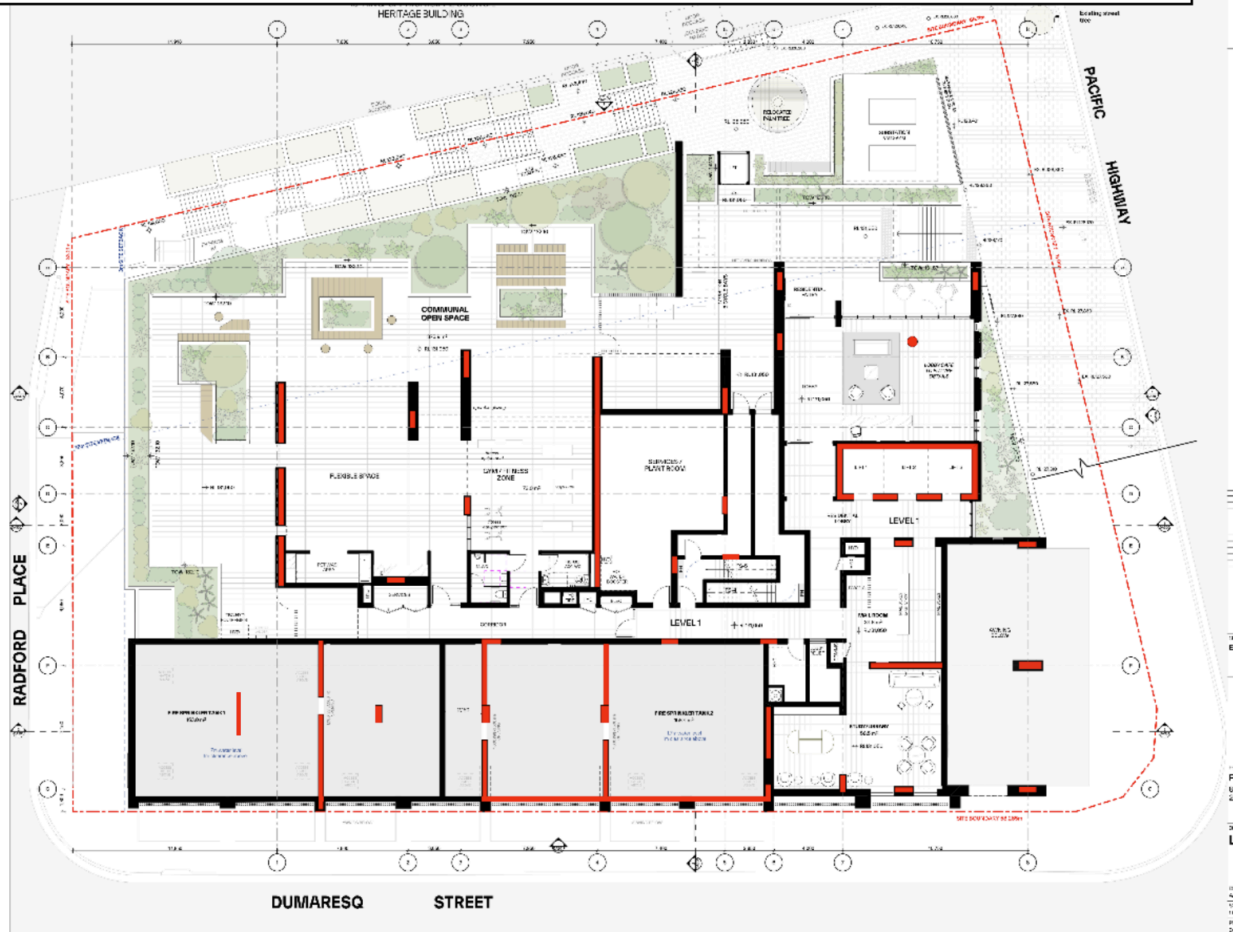
This map is valid as at the date the report was generated. Checking the [Biodiversity Values Map viewer](#) for mapping updates is recommended.

Appendix 6 - Proposed Site Plans

Concept Drawing Only - Subject to Review prior to submission of EIS



Concept Drawing Only – Subject to Review prior to submission of EIS



Appendix 7 - Flora Survey List

Scientific Name	Common Name	Native / Exotic
<i>Eucalyptus microcorys</i>	Tallowwood	N
<i>Casuarina glauca</i>	Swamp Oak	N
<i>Ehrharta erecta</i>	Panic Veldtgrass	E
<i>Pteridium esculentum</i>	Austral Bracken	N
<i>Acanthus mollis</i>	Oyster Plant (likely)	E
<i>Bidens pilosa</i>	Cobbler's Pegs	E
<i>Ageratina adenophora</i>	Crofton Weed	E
<i>Trachelospermum jasminoides</i>	Star Jasmine	E
<i>Conyza bonariensis</i>	Flaxleaf Fleabane	E
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	N

Scientific Name	Common Name	Native / Exotic
Dianella sp.	Flax Lily / Blueberry Lily	N
Dietes grandiflora	Fairy Iris / Large Wild Iris	E
Onopordum acanthium	Scotch Thistle	E
Taraxacum officinale	Dandelion	E
Solanum nigrum	Black Nightshade	E
Chlorophytum comosum	Spider Plant	E
Verbena bonariensis	Purpletop	E
Sonchus oleraceus	Common Sowthistle	E

Appendix 8 - Author's Qualifications



The Australian Higher Education Graduation Statement is provided by Australian higher education institutions to graduating students on completion of the requirements for a particular higher education award. It provides a description of the nature, level, context and status of studies that were pursued by the individual named. Its purpose is to assist in both national and international recognition of Australian qualifications and to promote international mobility and professional recognition of graduates.

1. The Graduate

Name: Guy Carl Smith
Student number: 16963610

2. The Award

Bachelor of Natural Science (Animal Science)

Detail: The Bachelor of Natural Science, taught in English, normally takes three years of full-time study or the equivalent part-time. Admission requirements and additional course details are available on the University's website at www.uws.edu.au

Pathway to further study: Graduates have access to a range of graduate certificates, graduate diplomas and in some cases masters degrees.

3. Awarding Institution

UWS is a large, research-led and comprehensive metropolitan university serving a growing and diverse urban region. The University commenced operation in 1989 following the passage of the University of Western Sydney Act 1988, and was established in its present form as a unified, multi-campus University in 2000.

Certification: 24 September 2013



Academic Registrar: Shaneen McGlinchey



Guy Carl Smith - 16963610

Page 1 of 5



THE UNIVERSITY OF SYDNEY

In the name of the Senate and by the authority of the same be it known that

Guy Carl Yeomans Smith

having fulfilled all the requirements and having passed all the examinations
prescribed by the By-laws has been this day awarded the

Graduate Diploma in Environmental Science

in token whereof the Senate has authorised the Corporate Seal
of the University to be hereunto affixed

Vice-Chancellor and Principal

Dean of the Faculty of Science

Dated this Twenty-ninth day of September, Two thousand and sixteen

Deputy Vice-Chancellor (Registrar)

