Narla Environmental Pty Ltd
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NSW 1660

14th January 2025

Re: Request for a Biodiversity Development Assessment Report (BDAR) Waiver for the proposed development at 215, 229-239 Pitt Street Merrylands.

Introduction

This BDAR Waiver has been prepared to support a State Significant Development Application to be submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of Anglicare Community Services (Anglicare; 'The Proponent'). The relevant proponent details for the purposes of this application are as follows:

- Proponent Name: Anglicare
- Representative and role: Adrian Balatinac, Impact Group, Senior Project Manager
- Contact Number: 0417 774 048
- Email: Adrianb@impactgroup.com.au

The proposed development involves the demolition of the existing buildings and the establishment of a new high rise apartment complex at 215, 229-239 Pitt Street Merrylands (the "Subject Property").

Site Description

The Subject Property is located at 215, 229-239 Pitt Street Merrylands and is within the Cumberland Council Local Government Area (LGA; **Figure 1**). The Subject Property comprises multiple allotments and covers an area of approximately 0.21ha. An aerial depicting the Subject Property and its immediate surrounding context is provided in **Figure 1.** The Subject Property provides primary frontages to Pitt Street to the east and secondary frontages are provided to Milne Lane to the west and Reyes Lane to the south. The Subject Property is relatively flat and is currently developed with low-rise commercial buildings comprising of restaurants, office, retail and business premises.

Planning Approval Strategy

Section 7.9(2) of the NSW *Biodiversity Conservation Act 2016* (BC Act) stipulates the following in regards to any development that qualifies as State Significant Development:

- *"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.*

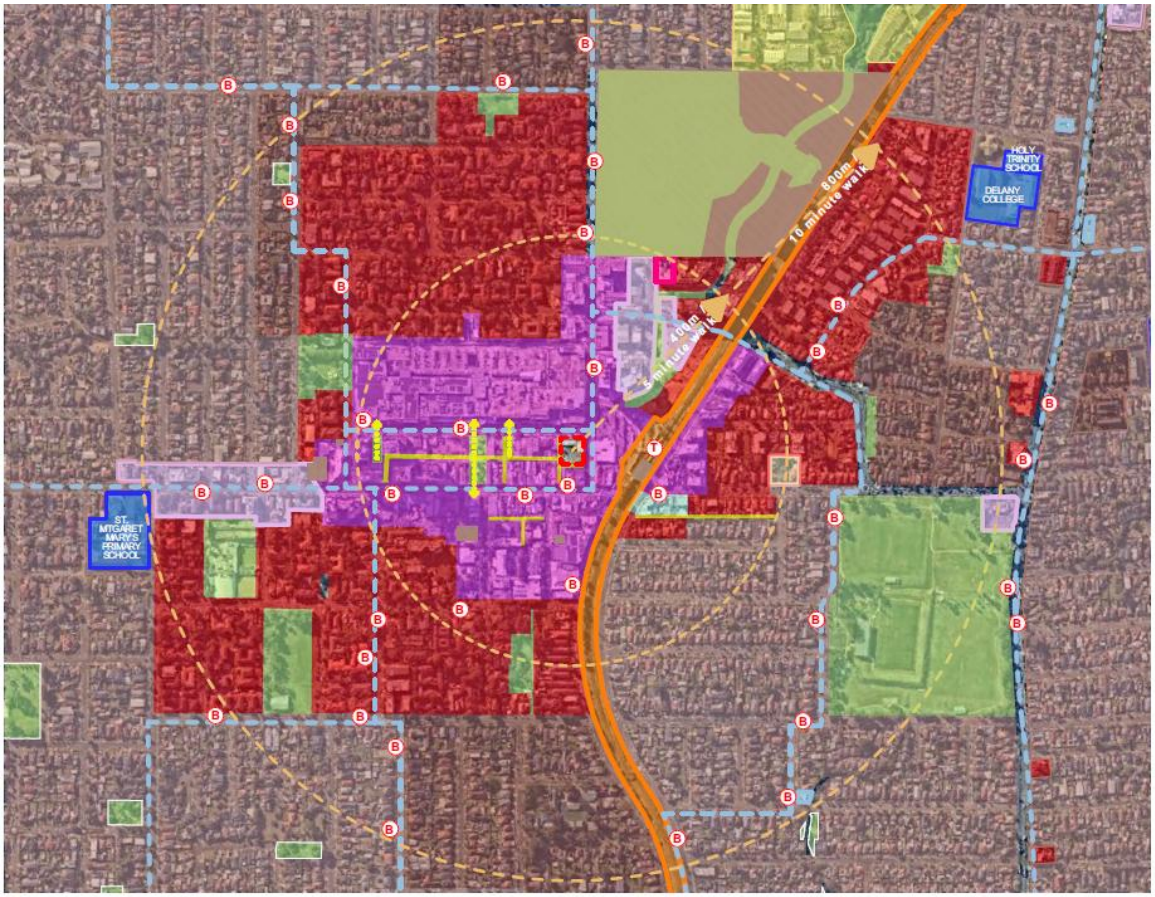


Figure 1. Location of the Subject Property within the locality (Fuse-Architects 2024).

Project Description

The state significant development application (SSDA) seeks consent for a high-rise residential development comprised of the following elements (Fuse-Architects 2024):

- Ground Public Domain:
    - The ground plane conceptualises a seamless integration of the public domain through emphasis on street activation and permeability. While addressing practical considerations for flood resilience, freeboard levels are recessed, to activate and enliven retail frontage and enhance cultural vibrancy along the streetscape. Upgraded covered outdoor dining and seating spaces along McFarlane street strengthens Cumberland Council's intention for an 'East Street', paying homage to community culture, fostering gatherings for cultural activities and practices that activate the streetscape. This thoughtful integration aims to create a dynamic urban environment that honours Merrylands' diverse community and enriching the local cultural experience.
- Tower Design:
    - The design concept for the tower floorplate consists of 3 small floorplates organised around a central core, like petal of a flower, with each floorplate referencing and responding to different opportunities of the site.
    - **Petal A**: North-facing, and is oriented towards a growing and developing area of Merrylands Town Centre with new and contemporary medium to high density housing. Beyond this,

there are views towards Parramatta City Centre. To address the summer sun, it will be expressed with deep slab projections to provide shading.

- **Petal B:** West-facing, overlooking the laneways and the remainder of the urban block. Beyond this, it will overlook a lush suburban context defined by abundant mature trees. It will be expressed with deep vertical elements to provide shading during summer
- months.
- **Petal C:** East-facing, with views towards the Merrylands train station, and a suburban context defined by terracotta roofs and brick houses. beyond this, there are views towards Wentworth Point and Sydney Central Business District. To address the noise and activity along this interface, smaller openings are proposed to protect resident acoustic amenity.

- Apartment Design:

  - Apartment layouts proposed consist of Studio, 1 bedroom, 2 bedroom, and 3-bedroom units. All apartments have private balconies that are directly accessible from living areas, providing opportunity for outdoor living in an urban environment. Where possible, utility rooms are incorporated within apartment layouts. These rooms are extensions of living spaces, and can be adapted and utilised to suit residents' needs, as a study corner, children's play area, etc.

- Communal Open Space:

  - outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only or to the public.

All works associated with the proposed SSDA will hereafter be referred to as the "Subject Land".

Secretary's Environmental Assessment Requirements

This BDAR Waiver has been prepared to be submitted prior to the SSD Application to demonstrate that the proposed development is not likely to have any significant impacts on biodiversity values.

Biodiversity

The Subject Land occupies the entirety of the Subject Property (**Figure 2**), and currently contains existing structures and areas of hardstand. The nearest vegetation is a small area of planted landscaped garden, typical of an urban environment. The Landscaped Vegetation in proximity Subject Land is described in **Table 1** and displayed in **Figure 3**. This vegetation is not proposed to be removed by the SSDA.

Impacts on biodiversity values

The relevance and potential impacts to biodiversity values, as defined in the BC Act and the *Biodiversity Conservation Regulation 2017* (BC Regulation) is discussed in **Table 2**. **Table 2** been completed by Narla's Principal Ecologist Chris Moore, who has a Bachelor in Biodiversity and Conservation from Macquarie University and is Accredited Biodiversity Assessor under the BAM (BAAS21009; **Appendix D**).

Where a biodiversity value is relevant, an explanation of how impacts have been avoided and the likelihood and extent of any remaining impacts of the proposed development (including impacts prescribed under regulation 6.1 of the BC Regulation) have been assessed. A list of vegetation identified within the Subject Land is detailed in **Appendix A**, and general photos of vegetation within the Subject Land are presented in **Appendix B.**

Targeted Microbat Survey

Whilst the structures within the Subject Property were deemed unlikely to provide suitable habitat for threatened species owing to their flat roofs and lack of cave or crevice habitat, a targeted survey for threatened microchiropteran bat species with potential to utilise such habitat was conducted as a precaution.

Seven (7) threatened microchiropteran bat species, which are known to inhabit buildings, occur within the locality of the Subject Land (NDCCEEW 2024):

- *Miniopterus orianae oceanensis* (Large Bent-winged Bat);
- *Miniopterus australis* (Little Bent-winged Bat);
- *Saccolaimus flaviventris* (Yellow-bellied Sheath Tail Bat);
- *Micronomus norfolkensis* (Eastern Coastal Free-tailed Bat);
- *Falsistrellus tasmaniensis* (Eastern False Pipistrelle);
- *Scoteanax rueppellii* (Greater Broad-nosed Bat); and
- *Myotis macropus* (Southern Myotis).

The survey was conducted during daylight hours, on the 10th of September 2024 by experienced Narla Ecologists Chris Moore and Allirah Wallace. During the site assessment the Ecologists conducted a walkthrough of both the inside (including inspections of roof space where available) and outside of the structures. The ecologists focussed searches on potential entry and exit points as well as roof spaces, cracks, crevices and holes that could be utilised for roosting (Appendix C). Each area of potential habitat was examined using a torch or endoscope, and a EchoMeter Touch 2 Pro to record any potential individuals for analysis.

No Microchiropteran bats were observed within or surrounding the structures during the site assessment. Furthermore, no signs of recent occupation by microchiropteran bats (i.e. scats) were observed within the structures during the site assessment. These results suggest the man-made structures within the Subject Land have not been utilised as a roost site.

Conclusion

It is not expected that the proposed development will impact upon biodiversity values, therefore this letter should be submitted in support of the application for a BDAR Waiver.

This report in its entirety has been prepared by including the:

Chris Moore – General Manager / Principal Ecologist (BAAS 21009)
Bachelor of Biodiversity and Conservation
Narla Environmental Pty Ltd

Figure 2. Location of the Subject Land within the Subject Property.

Figure 3. Field-validated Vegetation Community identified within close proximity to the Subject Land.

Table 1. Landscaped Vegetation in close proximity to the Subject Land.

Landscaped Vegetation	
	
Extent adjacent to the Subject Land (approx.)	0.03ha
Description of the Vegetation within the Subject Land	
This vegetation community consisted of a small side of historically planted and landscaped roadside vegetation including species such as *Ulmus parvifolius, Dietes grandiflora, Abelia x grandiflora* and *Syzygium smithii*.	
Justification of Vegetation Assignment	This assemblage of species within the landscape of the Subject Land does not conform to any locally occurring Plant Community Type (PCT) and has therefore been classified as Landscaped Vegetation
TEC Status	Not Listed.

Table 2. Impacts of the proposed development on biodiversity values.

Biodiversity Value	Meaning	Relevant?	Values within the Subject Land and Potential Impacts associated with the development
Vegetation abundance – *BC Regulation Section 1.4(b)*	Occurrence and abundance of vegetation at a particular site	Yes	The proposed development does not impact upon any locally occurring vegetation community. The only surrounding vegetation consisted of areas containing Landscaped Vegetation, which contains a mixture of commonly landscaped exotic and native species on the edge of a road. The vegetation could not be assigned a native PCT due to distribution, geology or landscape position of the Subject Land, indicating the planted nature of this vegetation. Such landscaped vegetation is common in the locality in the form of street trees and garden beds. It is unlikely that the removal of such vegetation would significantly impact on biodiversity values.
Vegetation integrity – *BC Act Section 1.5(2)(a)*	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	N/A	The vegetation neighbouring Subject Land does not conform to a native plant community as it best reflects Landscaped Vegetation located in roadside garden beds. The species present do not conform to any PCT that occurs in distribution, geology or landscape position of the Subject Land, highlighting the landscape's alteration from its natural state. As such, the vegetation does not have an integrity score.
Habitat suitability – *BC Act Section 1.5(2)(b)*	Degree to which the habitat needs of threatened species are present at a particular site	Yes	The vegetation neighbouring the Subject Land may periodically provide potential foraging habitat for threatened species such as *Pteropus poliocephalus* (Grey-headed Flying-fox), which is known to forage on cultivated gardens. However, given the urban nature of the Subject Land and its disturbed nature, it unlikely to be significant foraging habitat for any threatened species that may utilise it. Human-made structures, which may provide habitat for threatened species such as microbats, will be demolished as part of the proposed works. Targeted surveys of areas within these dwellings such as roof spaces, holes, cracks and cavities, that were considered to provide potential habitat were conducted by Narla Ecologists in September 2024 and no individuals were identified. Details of the surveys conducted is provided above. To further mitigate potential impacts a pre-clearance survey is to be conducted for microbats in the buildings prior to removal, in case any individuals have entered the structures in the time between the survey and removal. If any individuals are found to be present, they are to be captured the morning of demolition works, and released at night time into nearby bushland following works.

Biodiversity Value	Meaning	Relevant?	Values within the Subject Land and Potential Impacts associated with the development
Threatened species abundance – *BC Regulation Section 1.4(a)*	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	Yes	A threatened flora and habitat survey was undertaken in accordance with *Surveying threatened plants and their habitats* (DPIE 2020) and no threatened species or threatened ecological communities were identified with the Subject Land. The vegetation neighbouring Subject Land may periodically provide potential foraging habitat for threatened species such as *Pteropus poliocephalus* (Grey-headed Flying-fox), which is known to forage on cultivated gardens. However, given the urban nature of the Subject Land and its disturbed nature, it unlikely to be significant foraging habitat for any threatened species that may utilise it. Human-made structures, which may provide habitat for threatened species such as microbats, will be demolished as part of the proposed works. Targeted surveys of areas within these dwellings such as roof spaces, holes, cracks and cavities, that were considered to provide potential habitat were conducted by Narla Ecologists in September 2024 and no individuals were identified. Details of the surveys conducted is provided above. To further mitigate potential impacts a pre-clearance survey is to be conducted for microbats in the buildings prior to removal, in case any individuals have entered the structures in the time between the survey and removal. If any individuals are found to be present, they are to be captured the morning of demolition works, and released at night time into nearby bushland following works.
Habitat connectivity – *BC Regulation Section 1.4(c)*	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	Yes	The Subject Land is located within a highly urbanised and altered landscape, that would likely only provide habitat for highly mobile species such as avian species or Grey-headed Flying Fox. In its current state the Subject Land does not share vegetated connectivity with anywhere in the broader landscape. The same quality of connectivity is expected to continue post works
Threatened species movement – *BC Regulation Section 1.4(d)*	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	N/A	It is not expected that the vegetation neighbouring the Subject Land contributes to the movement of threatened species to maintain their lifecycle (e.g migratory species or movement to breeding habitat). The vegetation neighbouring the Subject Land may potentially be used by threatened species as sporadic fly ins, however as previously discussed, habitat connectivity is only available for highly mobile species and is expected to provide a similar level of connectivity and habitat as is currently present, post works.

Biodiversity Value	Meaning	Relevant?	Values within the Subject Land and Potential Impacts associated with the development
Flight path integrity – *BC Regulation Section 1.4(e)*	Degree to which the flight paths of protected animals over a particular site are free from interference	N/A	It is unlikely that the Subject Land is part of a flight path used by threatened species. Furthermore, the proposed development will be consistent with the surrounding urban landscape and building heights in the locality. As such, flight path integrity is not expected to be impacted by the development.
Water sustainability – *BC Regulation Section 1.4(f)*	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	N/A	The proposed development is not likely to result in impacts to water quality, water bodies or hydrological process that sustain threatened species or threatened ecological communities. No threatened communities were identified within the Subject Land and no threatened species that are depended on these features is considered likely to be present. The proposed development is for development to a completely built landscape which is unlikely to result in any changes to hydrological processes.

Appendices

Appendix A. Vegetation identified adjacent to the Subject Land.
Appendix B. General Photos of Vegetation adjacent to the Subject Land
Appendix C. Images taken during the Microchiropteran Survey.
Appendix D. Relevant qualifications of person completing the report (including Table 2).

Appendix A. Vegetation identified adjacent to the Subject Land.

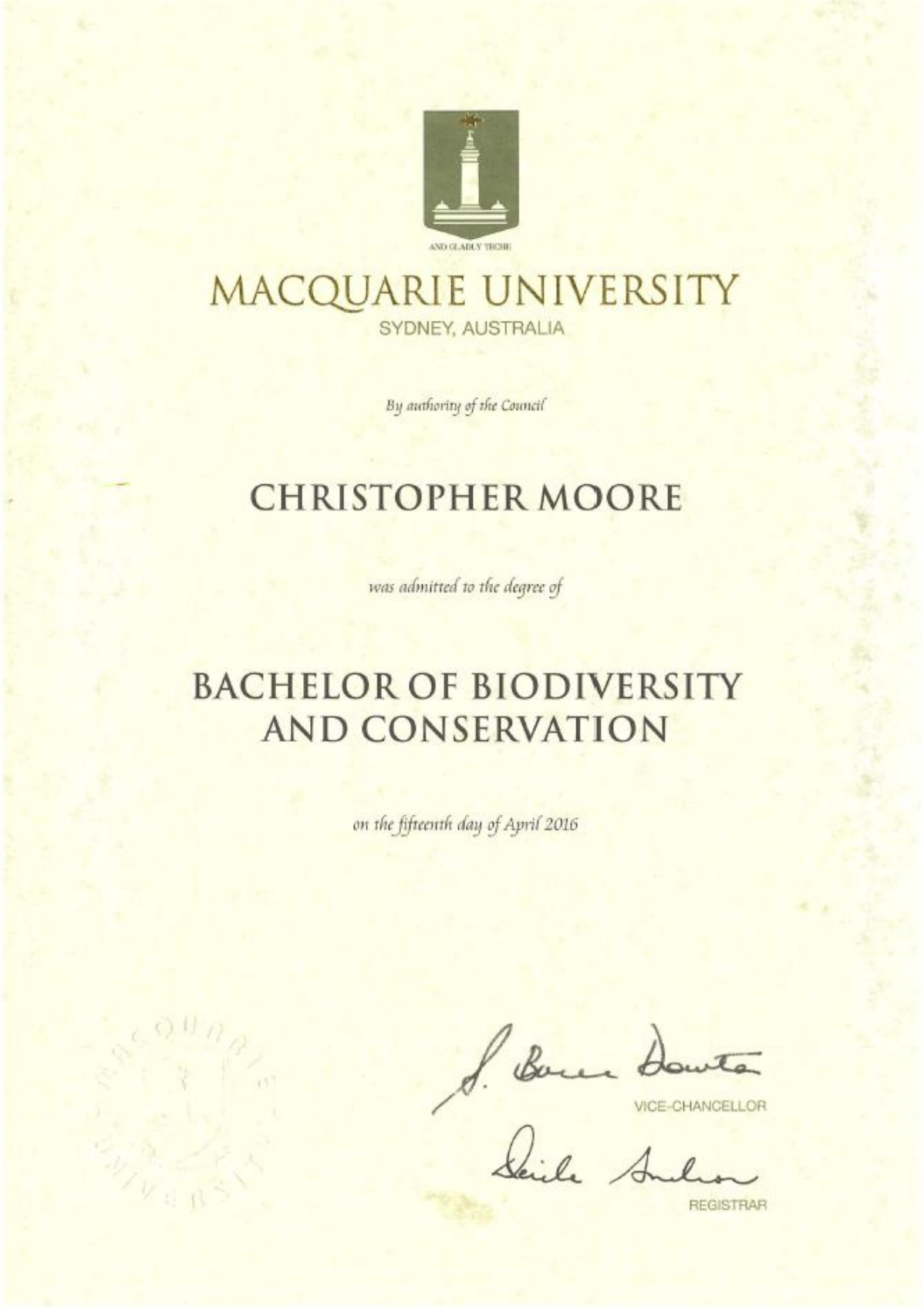
Scientific Name	Canopy	Midstorey	Ground
*Ulmus parvifolia**		x	
*Dietes grandiflora**			x
Syzygium smithii		x	
*Abelia x grandiflora**		x	

*Denotes exotic species

Appendix B. General Photos of Vegetation adjacent to the Subject Land.

Appendix C. Images taken during the Microchiropteran Survey.

Appendix D. Relevant qualifications of person completing the report (including Table 2).



AND GLADLY TEACH

MACQUARIE UNIVERSITY

SYDNEY, AUSTRALIA

By authority of the Council

CHRISTOPHER MOORE

was admitted to the degree of

BACHELOR OF BIODIVERSITY AND CONSERVATION

on the fifteenth day of April 2016

VICE-CHANCELLOR

REGISTRAR

MACQUARIE University
SYDNEY·AUSTRALIA

Australian® Higher Education Graduation Statement

1 The Graduate

Family Name	**Moore**
Given Name(s)	**Christopher**
Student Number	**42135915**

2 The Award

Bachelor of Biodiversity and Conservation

Detail

The Bachelor of Biodiversity and Conservation is an undergraduate degree consisting of a minimum of 69 credit points, taught in English, which normally takes three years of full-time study or part-time equivalent. Candidates examine Ecology, Biodiversity and Conservation Biology, with a strong research focus. Admission requirements are normally based upon proven skills to undertake tertiary study. In the case of undergraduate programs this is generally determined by successful completion of secondary studies or by alternative pathways for non-current school leavers.

Qualification Level

7

3 Awarding Institution

Macquarie University is a dynamic and flexible university committed to excellence in research, teaching and community engagement. The University was established by an Act of the New South Wales Parliament in 1964 and is listed as an Australian University on the Tertiary Education Quality and Standards Agency's National Register of Higher Education Providers.
For more information about Macquarie University visit www.mq.edu.au

CRICOS Provider No 00002J

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.

Certification

Date: 15 April 2016

DEIDRE ANDERSON

Deputy Vice-Chancellor (Students and Registrar)