Biodiversity Development Assessment Report Waiver (BDAR Waiver)

For

85, 87, 89, 91 Thomas Street Parramatta. NSW 2150

Lots 13, 15, 16 DP 1239
Lot 142, DP 537053

Residential flat building (including in-fill affordable housing)

Prepared for:	NSW Housing Corporation Pty Ltd
Report No:	AE25-2808-BDARW-ISS-02 7MAY2025
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Document History

Report	Version	Prepared by	Technical Review by	Proofread by	Submission	
					Method	Date
Report	Draft A	Nicholas Tong			Email	Nicholas Tong
Report	Issue 1	Nicholas Tong		Jeanette Miller	Dropbox	07May25
Report	Issue 2	Nicholas Tong		Ella Trueman	Dropbox	07May25

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1. Introduction

NSW Housing Corporation Pty Ltd (the Proponent) proposes to construct an eight-storey residential flat building (including in-fill affordable housing) at 85-91 Thomas Street, Parramatta, NSW, 2150 (the subject land) (Figure 1).

The proposal is classified as State Significant Development (SSD) as it falls within the requirements of Clause 26A ("In-fill Affordable Housing") of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*.

This BDAR Waiver Request accompanies the scoping report requesting the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany an SSD application.

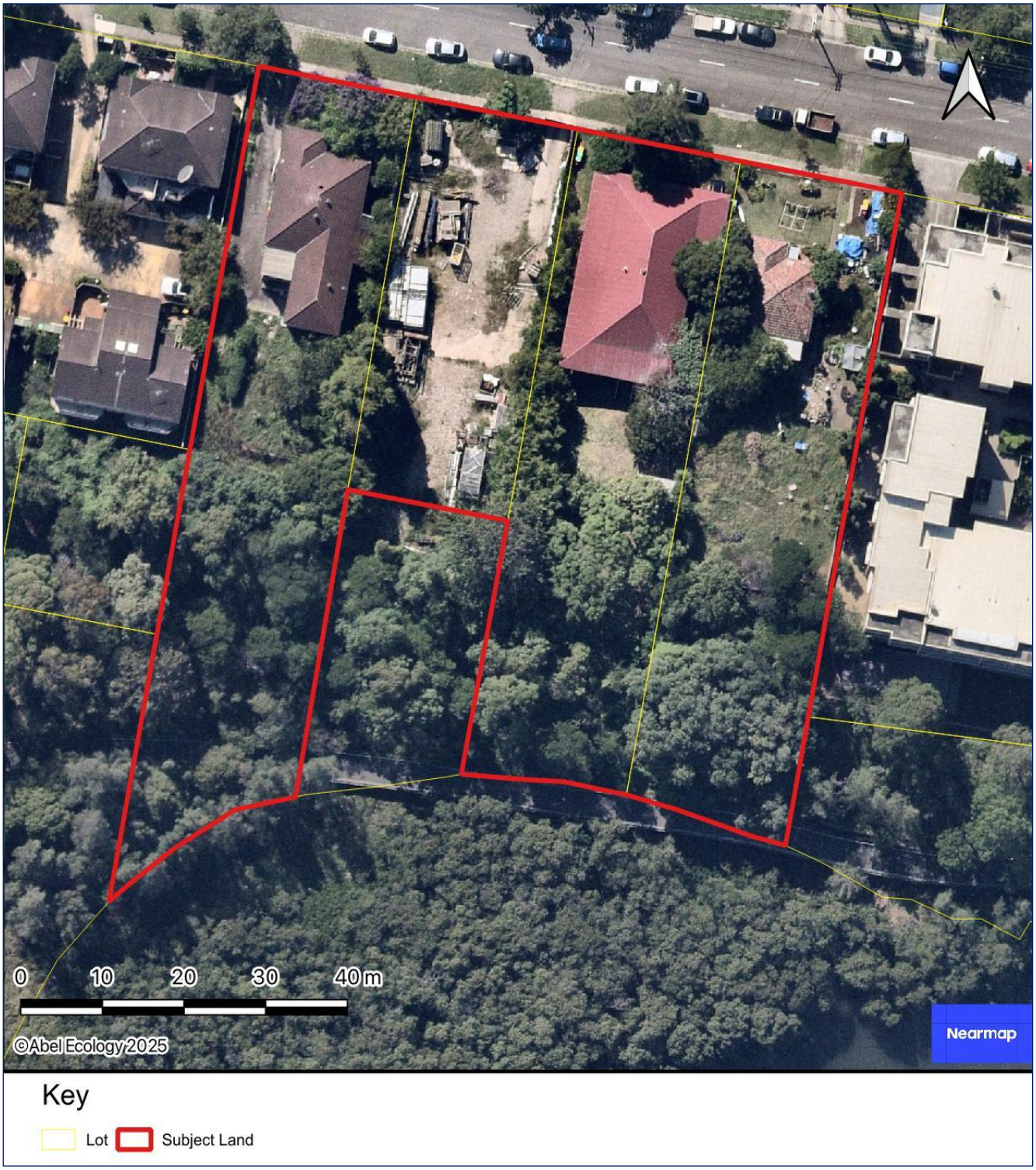

Figure 1. The subject site on 3 April 2025.

Source: NearMap

2. Project overview

2.1. Project background

The Sydney Central City Planning Panel granted consent to DA/344/2023 on 26 March 2025 for *'Demolition of existing structures; tree removal; construction of a four-storey residential flat building, 62 residential apartments, undercroft and basement car parking; and associated civil infrastructure, public domain and landscape works.'* The application has been subject to the following modification applications:

The development approved under DA/344/2023 is being commenced, with demolition and excavation works to be undertaken on the site.

2.2. The proposal

The proposal is for a development like that approved on the site under DA/344/2023, with the key difference being additional floor levels. Specifically, the proposal will comprise the construction of a residential flat building, approximately 120 residential apartments, and basement car parking and associated civil infrastructure, public domain and landscape works.

Notably, demolition and excavation works approved under DA/344/2023 have commenced on the site and as such the proposal does not involve these works since they have been undertaken.

The proposal is generally demonstrated in the architectural plans prepared by PTI Architecture. The development footprint is shown in Figure 2.

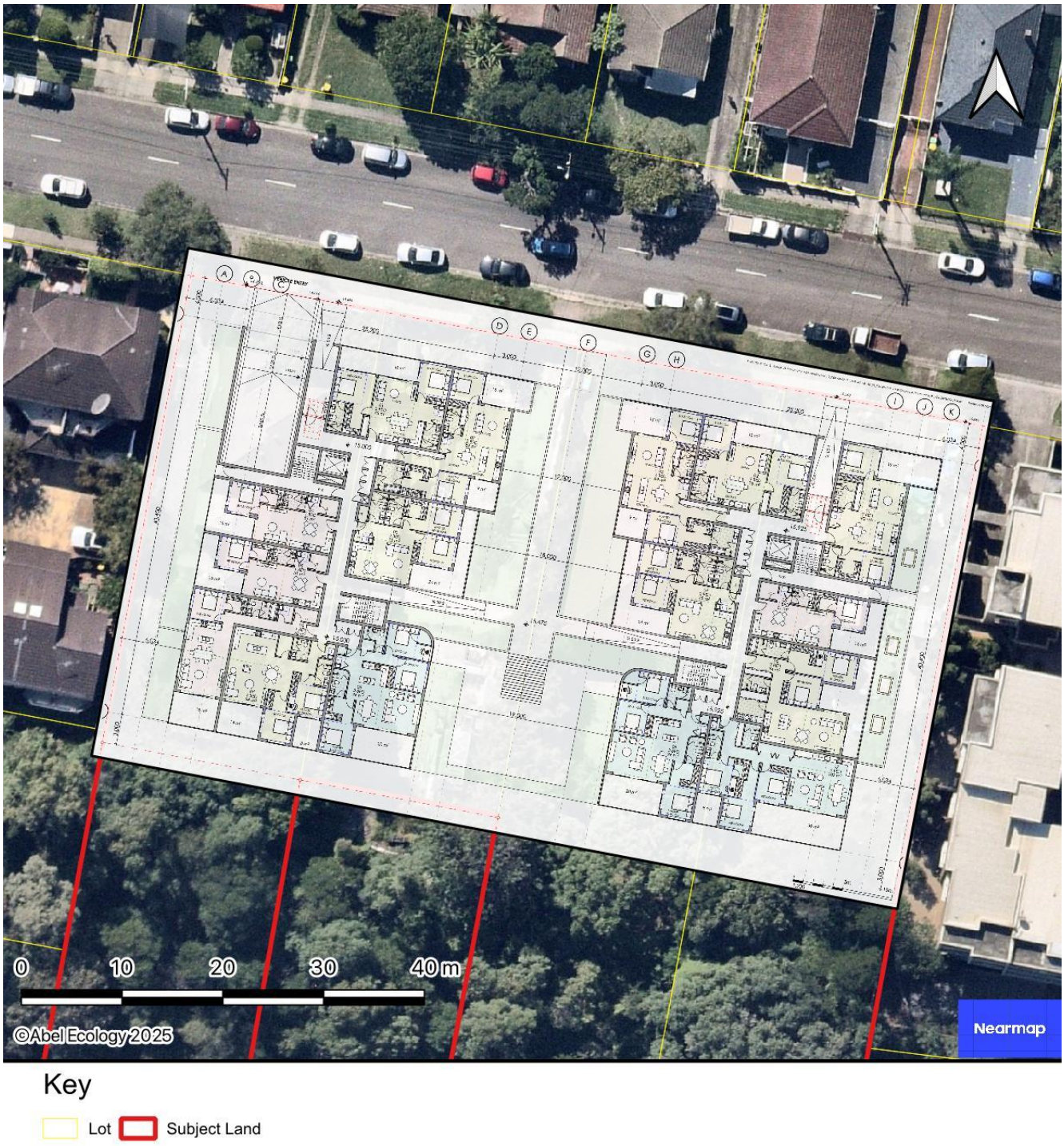

Figure 2. The indicative building footprint.

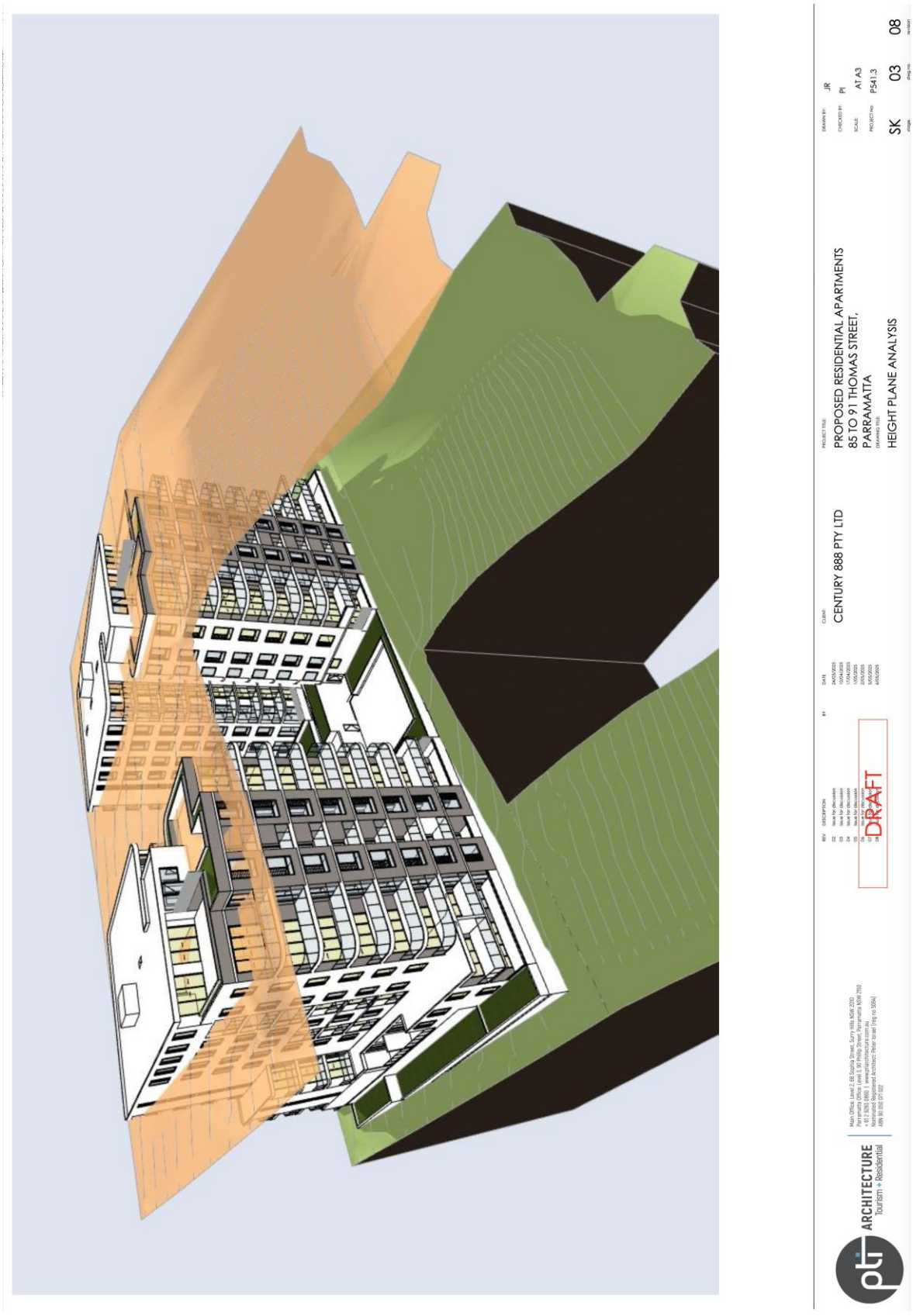

Figure 3. The indicative building height.

3. BDAR Waiver request information

This section provides the information detailed in Tables 1 and 2 of The Department of Planning, Industry & Environment's guideline *'How to apply for a biodiversity development assessment report waiver for a Major Project Application'*.

Table 1. BDAR Waiver Request information requirements

Proponent name	NSW Housing Corporation Pty Ltd.
Project name	Residential flat building housing development containing in-fill affordable housing.
Name and ecological qualifications of person completing Table 2	Nicholas Tong, BSc (Biology), MPhil (Ecology), Cert. III CLM, MECA NSW, BAM Accredited Assessor (BAAS22012), 6 years ecological consulting experience.
Site details	The subject site is located on the south side of Thomas Street and to the north of the Parramatta River. This site comprises of 4 parcels of land identified as follows: • 85 Thomas Street, Parramatta – Lot 13 in DP 1239; • 87 Thomas Street, Parramatta – Lot 142 in DP 537053; • 89 Thomas Street, Parramatta – Lot 15 in DP 1239; and • 91 Thomas Street, Parramatta – Lot 16 in DP 1239. The subject site is within the City Of Parramatta.
Description of existing development site, i.e., the area of land that is subject to the proposed development application	All pre-existing buildings and structures on the site are being demolished and excavation works will be commenced under DA/344/2023.
Site Map	Refer to Figure 2.
Proposed development	Residential apartments.
Impacts on biodiversity values	Refer to the completed Table 2 below for potential impacts on Biodiversity Values.

Table 2. Impacts of the proposed development on biodiversity values

Biodiversity Value	Meaning	Relevance	Impact Assessment	BCSComments
Vegetation abundance – 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site.	✓	Based off the Cumberland Ecology Report supporting DA/344/2023, the vegetation within the subject land is mostly a mix of exotic vegetation and planted native vegetation, with saltmarsh and mangroves at the southern ends of the lots on the southern side of the cycleway (refer to Figure 4). The proposal has a maximum height of approximately 26 metres, compared to the 16 metres approved under DA/344/2023. The proposal will overshadow the mangroves and saltmarsh slightly more than the extent of the approved development DA/344/2023 (Figure 5). **Negligible impact.**	
Vegetation integrity 1.5(2)(a) BC Act 2016	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.	✓	No vegetation is proposed to be removed in this proposal. The lots contain prodominantly exotic or highly disturbed vegetation with a band of revegetation works north of the boardwalk in the southern extent of the lots. A threatened Ecological Community occurs south of the cycleway or adjacted to the subject land include 'Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions'. Mangroves occur south of the Coastal Saltmarsh. **Negligible Impact.**	

Biodiversity Value	Meaning	Relevance	Impact Assessment	BCSComments
Habitat suitability 1.5(2)(b) BC Act 2016	Degree to which the habitat needs of threatened species are present at a particular site.	✓	No vegetation that is habitat for threatened species is proposed to be removed. The planted vegetation propsoed to be retained and the saltmarsh and mangroves provide foraging habitat for the threatened species found in Table 3 below. **Negligible impact.**	
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.	✓	No threatened species are recorded on the subject land (BioNet Atlas), species with records in within 5 km are provided in Table 3. A threatened Ecological Community occurs south of the cycleway or adjacted to the subject land include 'Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions'. None of this community is proposed to be cleared, however it will undergo shading from the proposed development. The proposal will overshadow the mangroves and saltmarsh slightly more than the extent of the approved development DA/344/2023 (Figure 5). **Negligible impact.**	
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.	✓	The site is on the northern bank of the Parramatta River and is connected to vegetation that occurs along the river. Thus the vegetation on site provides connectivity along the Parramatta River. However, no vegetation is proposed to be removed, but some will undergo some shadowing. Connectivity is not expected to be fragmented or disrupted by the proposed development. **Negligible impact.**	

Biodiversity Value	Meaning	Relevance	Impact Assessment	BCSComments
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their life cycle.	✓	Threatened species have not been recorded on the site. However, there is natural habitat for threatened species on the site. However, none of the threatened species habitat is proposed to be removed, but some will undergo some shadowing. Threatened species is not expected to be fragmented or disrupted by the proposed development. **Negligible impact.**	
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.	✓	The existing development approved under DA/344/2023 is up to four storeys (11 m) in height. The proposal is up to eight storeys (26m) in height (Figure 3). The subject site is located near the Western Sydney University Campus (7 storeys) to the east and residential apartment buildings (at least one is 11 storeys) which are taller than the proposal. The proposal would not interfere with the flight paths of protected animals to a greater extent than the development approved under DA/344/2023. **Negligible impact.**	
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.	✓	The proposal is not expected to have any greater impact on water quality, water bodies or hydrological processes, compared to the development approved under DA/344/2023. The proposal would be constructed in accordance with a development approval, which would contain appropriate sediment and erosion controls. **Negligible impact.**	

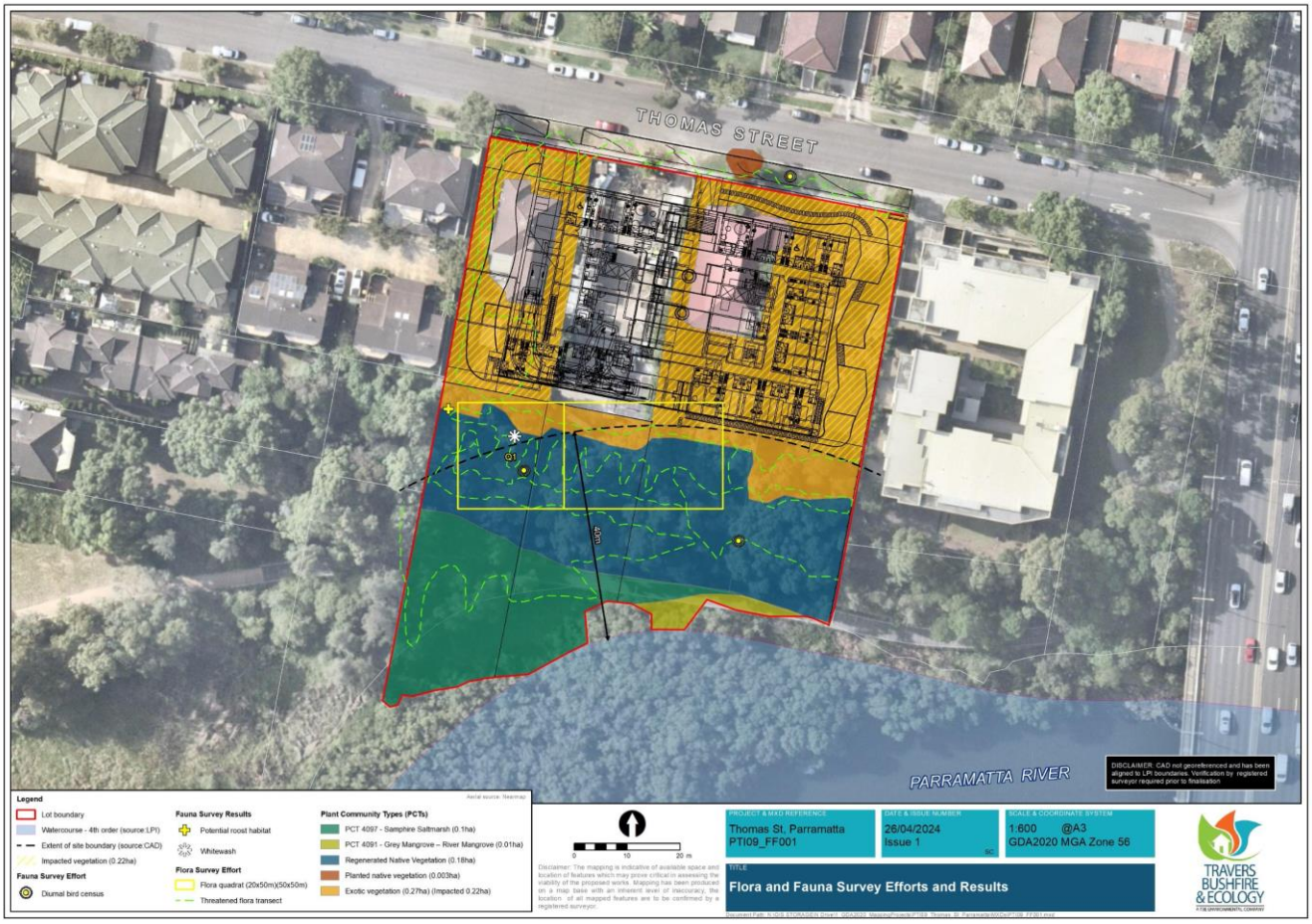

Figure 4. Travis Ecology Vegetation Mapping.

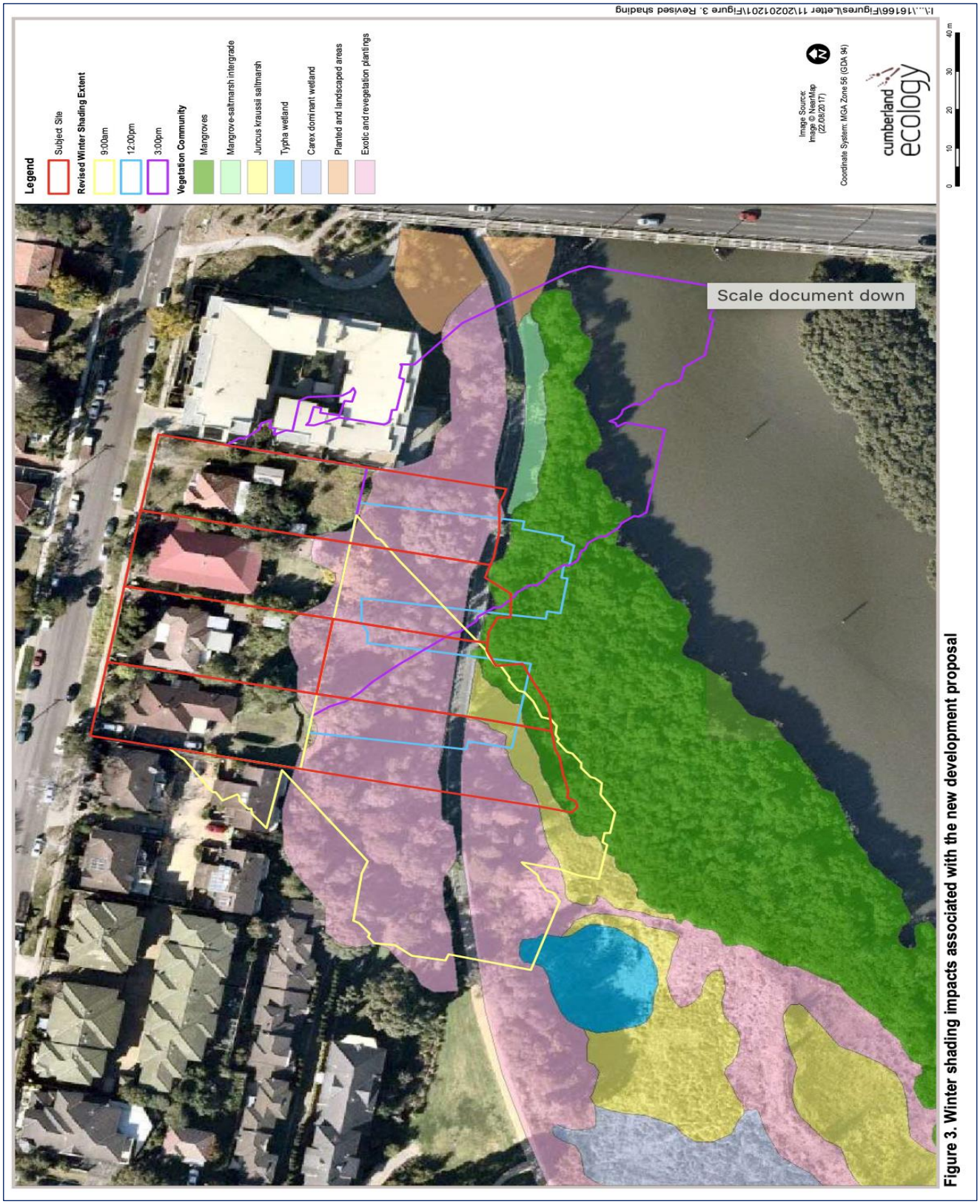

Figure 5. Winter shading for DA/344/2023, Figure 3. from Cumberland Ecology Addendum 2018.

Table 3. BioNet Atlas Records within 5 kms.

Scientific	CommonName	NSWStatus	CommStatus
Scoteanax rueppellii	Greater Broad-nosed Bat	V,P	
Hirundapus caudacutus	White-throated Needletail	V,P	V,C,J,K
Ixobrychus flavicollis	Black Bittern	V,P	
Falsistrellus tasmaniensis	Eastern False Pipistrelle	V,P	
Persicaria elatior	Tall Knotweed	V	V
Oxyura australis	Blue-billed Duck	V,P	
Pandion cristatus	Eastern Osprey	V,P,3	
Petroica phoenicea	Flame Robin	V,P	
Miniopterus australis	Little Bent-winged Bat	V,P	
Litoria aurea	Green and Golden Bell Frog	E1,P	V
Dasyurus maculatus	Spotted-tailed Quoll	V,P	E
Ninox connivens	Barking Owl	V,P,3	
Pteropus poliocephalus	Grey-headed Flying-fox	V,P	V

Scientific	CommonName	NSWStatus	CommStatus
Epthianura albifrons	White-fronted Chat population in the Sydney Metropolitan Catchment Management Area	E2,V,P	
Irediparra gallinacea	Comb-crested Jacana	V,P	
Tyto novaehollandiae	Masked Owl	V,P,3	
Chalinolobus dwyeri	Large-eared Pied Bat	E1,P	E
Callocephalon fimbriatum	Gang-gang Cockatoo	E1,P,3	E
Saccolaimus flaviventris	Yellow-bellied Sheathtail-bat	V,P	
Lathamus discolor	Swift Parrot	E1,P	CE
Numenius madagascariensis	Eastern Curlew	E4A,P	CE,C,J,K
Tringa nebularia	Common Greenshank	E1,P	E,C,J,K
Parvipsitta pusilla	Little Lorikeet	V,P	
Neophema pulchella	Turquoise Parrot	V,P,3	
Daphoenositta chrysoptera	Varied Sittella	V,P	
Micronomus norfolkensis	Eastern Coastal Free-tailed Bat	V,P	
Hieraaetus morphnoides	Little Eagle	V,P	
Gallinago hardwickii	Latham's Snipe	V,P	V,J,K
Calidris ferruginea	Curlew Sandpiper	E4A,P	CE,C,J,K
Ninox strenua	Powerful Owl	V,P,3	
Acacia pubescens	Downy Wattle	V	V
Stictonetta naevosa	Freckled Duck	V,P	
Myotis macropus	Southern Myotis	V,P	
Circus assimilis	Spotted Harrier	V,P	
Wilsonia backhousei	Narrow-leafed Wilsonia	V	
Botaurus poiciloptilus	Australasian Bittern	E1,P	E
Artamus cyanopterus cyanopterus	Dusky Woodswallow	V,P	
Haliaeetus leucogaster	White-bellied Sea-Eagle	V,P	
Petroica boodang	Scarlet Robin	V,P	
Miniopterus orianae oceanensis	Large Bent-winged Bat	V,P	
Tyto tenebricosa	Sooty Owl	V,P,3	

4. Conclusion

The proposal is considered unlikely to have a significant impact on threatened species or their habitats for the following reasons:

- The proposal does not involve the removal of any vegetation.
- No threatened species have been identified within the subject site.
- Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions' occurs south of the Boardwalk at the southern end of the lots.
- Shading of the Coastal Saltmarsh is expected to be slightly more than the extent of the approved development DA/344/2023.
- The site is not part of a recognised movement corridor between breeding grounds, foraging grounds, or other habitats important for the lifecycle of species such as staging points for migration.
- No barriers to movement will be introduced and no further fragmentation of habitats will occur.
- Flight path integrity will not be impacted.
- Impacts Water quality, water bodies and hydrological processes are not expected to be any greater than what has been approved in DA/344/2023.

While the proposed state significant development may not require a BDAR.

Referral to NSW Department of Primary Industries (DPI) - Fisheries NSW is recommended due to potential impacts to the Mangroves from overshadowing.

5. Company Profile

Abel Ecology has been in the biodiversity consulting business since 1991, starting in the Sydney Region, and progressively more state-wide in New South Wales since 1998, and now also in Victoria. During this time extensive expertise has been gained with regard to Master Planning, Environmental Impact assessments including flora and fauna, bushfire reports, Vegetation Management Plans, Management of threatened species, Review of Environmental Factors, Species Impact Statements, Biodiversity Development Assessment Reports and as Expert Witness in the Land and Environment Court. We have done consultancy work for industrial and commercial developments, golf courses, civil engineering projects, tourist developments as well as residential and rural projects. This process has also generated many connections with relevant government departments and city councils in NSW. Our team consists of seven scientists and four administrative staff, plus casual assistants as required.

Licences

NPWS s132C Scientific licence number is SL100780.

NPWS GIS data licence number is CON95034.

NSW Dept of Primary Industries Secretary's Animal Care and Ethics Committee Approval: 18/575.

NSW Dept of Primary Industries Animal Research Authority. Accreditation No: 84207.

The Consultancy Team

Dr Danny Wotherspoon

Principal
BSc, DipEd, MA, PhD, Grad Dip Bushfire Protection,
MECA NSW, MEPLA, MNELA, MESA, MEIANZ, White card.

Danny has practised as an ecological and bushfire consultant since 1991. He is a consulting ecologist to private developers, State Government agencies and various City Councils on a regular basis, for development applications, government projects, and as expert witness in the NSW Land and Environment Court.

Danny's PhD researched fragmented vegetation and fauna habitat use. He has special expertise in fauna habitat use. Danny has presented invited papers at international conferences since 2001 in Australia, China, South Africa, Sri Lanka and Israel on his PhD and other research, including golf course habitat management. Danny's scientific papers have been published in both international and Australian academic journals.

Mark Mackinnon

Snr Bushfire Specialist / Snr Ecologist
Bushfire Planning & Design (BPAD), Accredited Practitioner Level 3. Accreditation number 36395.
B Env. Sci. (Hons); Grad. Dip. in Bushfire Protection
MEIANZ, White Card

Mark is a passionate and enthusiastic scientist who thrives in the field of natural resource management. Mark has worked for a number of inter-state government agencies and environmental consultancies. He has experience in threatened species, fire ecology, bushfire management, pest plant and animals, and landscape restoration. In particular, he specializes in ornithology and bushfire management. Mark has many specialised field-based skills including simple and complex tree climbing, working at heights, general firefighter departmental fire accreditation, venomous snake and reptile handling, immunization to handle bat species, and an A - class bird banding license with mist-net endorsement. Mark is also skilled in Arc and QGIS mapping, first-aid and four - wheel-driving.

Mark Sherring

Snr Botanist
BM, MAABR, Cert. Hort., Cert. Bush Regen, Cert. Rural Ops, White Card.
Member of the Australian Association of Bush Regenerators

Mark has extensive knowledge and experience of plant species in New South Wales. He has built up his expert knowledge on NSW native plant species over the many years that he has practised as a Botanist. He is regularly asked to contribute to the extensive (ongoing) flora surveys of the Sydney Basin and Blue Mountains carried out by the Royal Botanic Gardens, Sydney. Mark has extensive field survey experience, having worked for over ten years in various plant-related roles. His role in Abel Ecology is to provide expert advice on flora and on the full range of flora management issues encountered and, in the design, and management of environmental monitoring projects.

Nicholas Tong

Snr Ecologist
BAM Accredited Assessor (BAAS22012),
BSc (Biology), MPhil (Ecology), Cert. III CLM
MECA NSW, Snr First Aid, White card.

Nicholas is an experienced ecologist with expertise in fauna, plant species identification, vegetation assessment and ecological restoration. In the last six years, he has been a consulting ecologist to private developers and large corporations, for a variety of projecting including State Significant Developments. Nicholas has extensive field work experience in Sydney, the Blue Mountains and Central West NSW. His Master's project investigated the impacts of exotic predators on herpetofauna in the arid zone. His role at Abel Ecology is to provide expert advice on fauna and the application of the Biodiversity Offset Scheme.

Andy Araya

Ecologist

B Env. Sci. MTeach (Env., Marine, Agr., Bio., Chem.), Dip. Marine Operations

First Aid Cert. White Card. ACDC Chemical Licence, RPA Operator, NSW Boating Licence, Marine Radio Licence, Security Licence, Chainsaw Licence.

Andy has over 15 years' experience as a bush regeneration supervisor working across a number of environments throughout NSW and QLD from EEC of the Cumberland Plain, riparian and wetland areas, sand dunes and rainforests, to the higher elevations of the Blue Mountains National Park. Managing teams of up to 10 staff in remote areas as well as urban environments has allowed Andy to hone his skills of communication and native species identification. Andy's additional experience as a builder in the building and construction industry gives him a solid understanding of the considerations and legal requirements clients face in mitigating environmental and personal harm.

Emily Barbaro

Ecologist

BA, MPublishing, Grad. Cert. EnvSc, MEScM

Emily has completed a Graduate Certificate in Environmental Science and a Masters of Environmental Science and Management. During her degree, Emily also completed the Volunteer Botanical Training Program at the Australian National Herbarium, Centre for Australian National Biodiversity Research and CSIRO. The Program included both botanical and general herbarium tasks, such as archiving plant specimens, plant identification, and assistance with taxonomic research projects. Emily has previously worked as a Bush Regenerator and has been volunteering with Bushcare for Blue Mountains City Council for the last three years. She is passionate about continuing to learn more about her local Blue Mountains flora and fauna.

Dr Stephanie Clark

Specialist Consultant

B Sc (Hons), PhD

Stephanie has over 30 years' experience in the collection, identification and taxonomy of marine, estuarine, freshwater and terrestrial molluscs. She has conducted numerous targeted surveys for endangered and threatened species (particularly land and freshwater molluscs) in both Australia and the United States. She is particularly interested in the systematics, taxonomy, morphology (external and internal), population and conservation genetics and conservation of molluscs particularly terrestrial (especially the *Helicoidea*) and freshwater (especially the *Hydrobiidae* and related families) groups.