

BDAR WAIVER REPORT

**No 241-245 Pennant Hills Road (Lots 1, 2, 5
and 6 in DP 805059) Carlingford**

**Proposed Shop top Housing Development
comprising of 136 Apartments and 2,060sqm
of Non-Residential Floor space**

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Muddy Boots Biodiversity Assessment Method (BAM) course

September 2025

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1.0 INTRODUCTION/ADMIN

The BDAR Waiver report relates to a proposed mixed-use development at No 241-245 Pennant Hills Road, Carlingford (Lots 1, 2, 5 and 6 in DP 805059).

This BDA Waiver Report has been prepared by Stephen McLoughlin on behalf of the property owner *Triple Eight Corporation Pty Ltd atf The Carlingford Unit Trust*. The Report relates to a proposal for the demolition of existing structures and construction of a shop top housing development comprising of 136 apartments and 2,060sqm of non- residential floor space.

This request is made in accordance with Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), which provides that the Minister (or their delegate) may waive the requirement for a BDAR where the proposed development is unlikely to have any significant impact on biodiversity values.

The applicant intends to submit a State Significant Development pursuant to Schedule 1, Section 26A of the State Environmental Planning Policy (Planning Systems) 2021 - 'in-fill affordable housing'.

This BDAR Waiver Report has been prepared in accordance with the 'State Significant Development Guidelines as part of the process to obtain project-specific Secretary's Environmental Assessment Requirements (SEARs) to guide the preparation of an Environmental Impact Statement (EIS) for the development application.

In accordance with the Guidelines, this report:

- describes the site
- describes the project
- identifies existing trees and potential habitat
- Provides conclusions in respect of the findings

1.1 Applicant Details

The subject site is owned by *Triple Eight Corporation Pty Ltd atf The Carlingford Unit Trust* ACN 136 756 342

Office address: 241-245 Pennant Hills Road Carlingford.

Contact person: Wade El Takchi ph: 0419 204 650

SEARs Requirements Declaration: Project

Declaration		
Name	Steve McLoughlin	
Qualifications	BSc.(Environ), Dip. Hort / Arb AQF5, Hort. Cert, Dip. Conservation and Land Management Conservation & Land Management. Cert. III Australian Arborist Member # 2158 Australian Association of Bush Regenerators Member QTRA assessor TRAQ assessor Muddy Boots Biodiversity Assessment Method (BAM) course	
The undersigned declares that this [report name] has been prepared in response to the following SEARs requirements issued for the Project on 23 May 2025 for SSD- SSD-84699461:		
SEARs item no.	SEARs Requirement	Relevant Section of this Report
16	16. Biodiversity · Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020</i> . OR · If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.	3.2
Signed		
Dated	24 th September 2025	

1.2 Site Description and Site context

1.2 The Site and Site Context

The site is identified as 241-245 Pennant Hills Road, Carlingford within the City of Parramatta Local Government Area (LGA). It is situated in the western portion of the Carlingford town Centre and is located approximately 18km northwest of the Sydney Central Business District (CBD).

The site is an irregular triangular shape and comprises approximate frontages of 140m to Pennant Hills Road to the southeast, 100m to Felton Road to the north and 135m to the adjoining properties to the west. The site has a total area of 6331m². The site is described in **Table 1** below and illustrated in the Site Aerial Map in **Figure 1** following.

Reference	Street address	Legal description	Area
1	241-245 Pennant Hills Road	Lot 1 DP805059	-
2	241-245 Pennant Hills Road	Lot 2 DP805059	-
3	241-245 Pennant Hills Road	Lot 5 DP805059	-
4	241-245 Pennant Hills Road	Lot 6 DP805059	-
total			6331m ²



Figure 1 Site Aerial Map

Source: Nearmap, edits by Kennedy Associates Architects



0 50m 100m



Subject Site viewed from Felton Road cul de sac head



Subject Site viewed from Pennant Hills Road



View from Felton Road of the existing driveway access and substation

The subject site is located approximately 250m to the southwest of Carlingford Light rail Station, 800m southwest of Carlingford Court Shopping Centre and is near several public and private secondary and primary schools, regional and local scale open spaces, other commercial areas and community services including a library. The subject site is well located within walking distance of public transport, shopping, recreation and other services.

To the north of the subject site across Felton Road is the Carlingford Transmission Substation. The substation is approximately 2 storeys in height and contains a significant portion of unbuilt land. It is not a significant noise source. The substation is unlikely to be redeveloped in the short to medium term.

The land to the immediate west of the subject site is zoned for medium density residential development. A 3-storey residential development is nearing completion on the adjoining lot fronting Felton Road. Detached dwellings and 2 storey multi dwelling developments are prevalent on other lots to the west.



View of the adjoining residential building adjoining the site in Felton Road

A townhouse development also adjoins the subject site with frontage to Pennant Hills Road.

As such, the context of the subject site is in a transitional phase.

The subject site is particularly important contextually, as it provides the ‘pivot point’ between the established suburban character to the west and the emerging high-density precinct to the east. The proposed design successfully transitions in building height from the medium density developments to the west and high-rise developments to the east.

2.0 THE PROPOSED DEVELOPMENT

2.1 Description of the Proposal

The proposed development at the subject site is to include the following:

- Demolition of the existing commercial building and the removal of periphery non-significant trees.
- Construction of a tower element and a western row of built form separated by a site-through pedestrian link:
- The ground floor of the tower is comprised of 3 commercial tenancies on the ground floor inclusive of a large pedestrian lobby, plant, a garbage facility and truck access onto the site:
- A childcare centre accommodating up to 98 children is proposed on the first floor of the tower with independent pedestrian stair and lift access to the basement parking level:
- The western row-built form is to include a gymnasium over 3 levels with frontage to Pennant Hills Road, 3 commercial tenancies on the ground floor with 18 apartments above:
- 118 apartments are proposed above the commercial spaces in the tower building, which ranges in height between 14 and 18 storeys:
- 3 levels of basement car parking are proposed to service the development accessed from Felton Road. A total of 263 on-site car parking spaces is offered with most of the commercial parking spaces provided on the first basement level with ease of access to ground level: and
- The allocation of 25 apartments in the development set aside for affordable rental housing to be managed by a social housing provider for a period of 15 years.

The objectives of the applicant can be described as follows:

- Facilitate the delivery of high-quality and high-amenity shop top housing development (including affordable housing), at a strategically located site.
- Deliver a site specifically designed built form outcome that is consistent with the desired future character of the site and considers neighbouring and adjacent development.
- Deliver affordable housing to help meet the State Government targets.

Ensure that vehicle access to the subject site is not provided from Pennant Hills Road.

Low medium density planting to road side entry screen

Penning Hills Road entrance through to Child Lane

Low medium density planting to road side entry screen

Strategically placed trees to maintain views of building

Low medium density planting to road side entry screen

Penning Hills Road entrance through to Child Lane

Strategically placed trees to maintain views of building

Penning Hills Road entrance

COMMERICAL UNIT 11 9436 sq m P.A. WINE

COMMERICAL UNIT 12 12,125 sq m

COMMERICAL UNIT 13 12,245 sq m

COMMERICAL UNIT 14 11,855 sq m

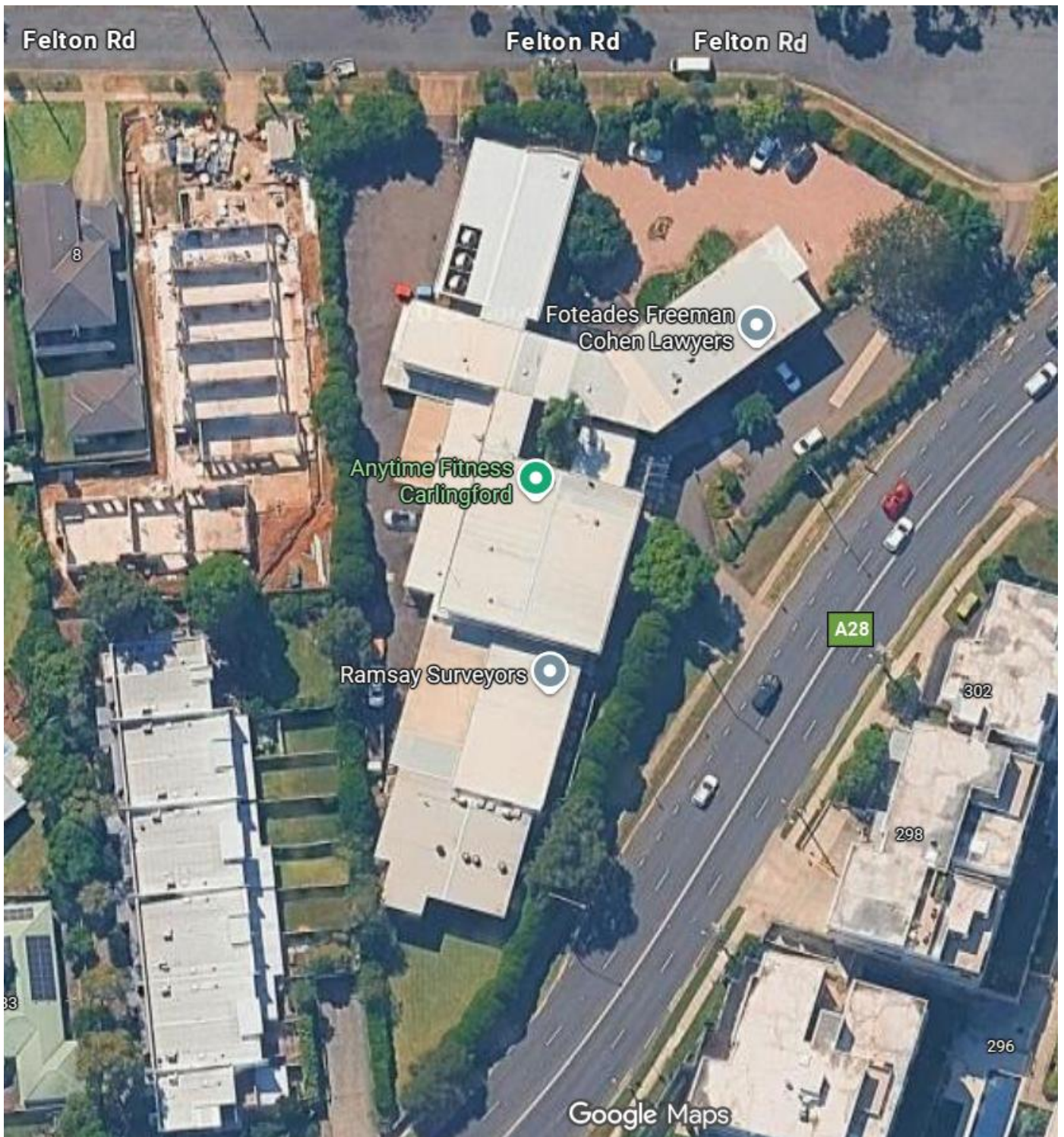
COMMERICAL UNIT 15 23,854 sq m

PENNING HILLS ROAD

FELTON ROAD

P.A. WINE

Figure 2: Copy of the ground floor landscape plan as prepared by *Julia Mary Landscape Studio*

Figure 3: Aerial Location Map

3.0 STATUTORY CONTENT

3.1 Parramatta Local Environmental Plan 2023

The subject land is zoned E1 Local Centre and SP2 – Infrastructure under the Parramatta Local Environmental Plan 2023.



Extract of the zoning map

The land use table for the zones are as follows:

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Building identification signs; Business identification signs; Environmental protection works; Flood mitigation works; Recreation areas; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

The SP2 zone has been excluded from development site excepting for proposed landscaping works aimed at preserving the 2 parcels in a tidy and presentable manner.

Zone E1 Local Centre

1 Objectives of zone

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure the scale and type of development does not adversely affect the amenity of the surrounding neighbourhood.*

2 Permitted without consent

Nil

3 Permitted with consent

*Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Car parks; **Centre-based child care facilities**; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health consulting rooms; Home businesses; Home industries; Home occupations; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; **Recreation facilities (indoor)**; **Residential flat buildings**; Respite day care centres; Roads; Self-storage units; Seniors housing; Service stations; Serviced apartments; **Shop top housing**; Tank-based aquaculture; Veterinary hospitals; Water recycling facilities*

4 Prohibited

Any development not specified in item 2 or 3

Comment:

Highlighted above are the permissible uses in the zone offering flexibility and opportunity to attract suitable and compatible end users for the site.

The proposed development is likely to contain residential apartments, commercial tenancies including cafes and restaurants, a gymnasium and a childcare centre which will serve residents on-site and within the broader precinct, all of which are permissible with development consent.

3.2 Biodiversity Conservation Act 2016

SSD and SSI are regulated under the Environmental Planning and Assessment Act 1979, which requires proponents to apply to the Minister of Planning for development consent or infrastructure approval, supported by an environmental impact statement (EIS). These applications are also subject to biodiversity assessment requirements under the Biodiversity Conservation Act 2016 (BC Act).

The BC Act requires that an SSD or SSI application must be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head (or delegate) and the Environment Agency Head (or delegate) determine that the proposed development is not likely to have any significant impact on biodiversity values.

This determination is referred to here as a BDAR waiver.

What is a biodiversity development assessment report?

A BDAR is a report required under the BC Act and is prepared by a person accredited (under section 6.10 of the BC Act) to apply the biodiversity assessment method (BAM). The BAM is an assessment manual that provides a consistent method for the assessment of biodiversity, including assessing certain impacts on threatened species and threatened ecological communities, their habitats, and impacts on biodiversity values. A BDAR provides guidance on how a proponent can avoid and minimise potential biodiversity impacts and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity.

In what circumstances is it likely that a biodiversity development assessment report waiver be issued?

A BDAR waiver will only be issued in limited circumstances where it is clearly demonstrated, based on information provided in accordance with this fact sheet, that the proposed development is not likely to have any significant impact on biodiversity values. For example, internal works to an existing building or development on a brownfield site with no threatened species habitat. Development that requires clearing of native vegetation is likely to require a BDAR. If there is doubt regarding potential impacts, or where information is not made available, a BDAR waiver will not be issued.

What information must accompany a biodiversity development assessment report waiver request?

A request for a BDAR waiver is to include the information set out in Table 1 and Table 2 in Attachment A. This includes information on the proponent, site and project and the likely impacts on the biodiversity values.

Proponents must address all of the impacts on biodiversity values to which the biodiversity offsets scheme applies under section 6.3 of the BC Act. Biodiversity values are defined in the BC Act and the Biodiversity Conservation Regulation 2017 (BC Regulation). The BC Regulation (clause 6.1) prescribes additional impacts on biodiversity values to be assessed under the biodiversity offsets scheme. The BDAR waiver request must explain whether each value is relevant to the site and/or the proposed development and provide supporting information to explain the likelihood and extent of any potential impacts, including prescribed impacts.

Provided over the page is the biodiversity Values map for the locality. It is evident from the plan that the area is a built-up urban locality. There is no significant vegetation mapped on or near the site. There are no corridors linking to the site.

Attached as **Appendix A** is a copy of the Biodiversity Values Map and Threshold Report. Noting that the site does not exceed the *Biodiversity Offset Scheme (BOS) Threshold*.

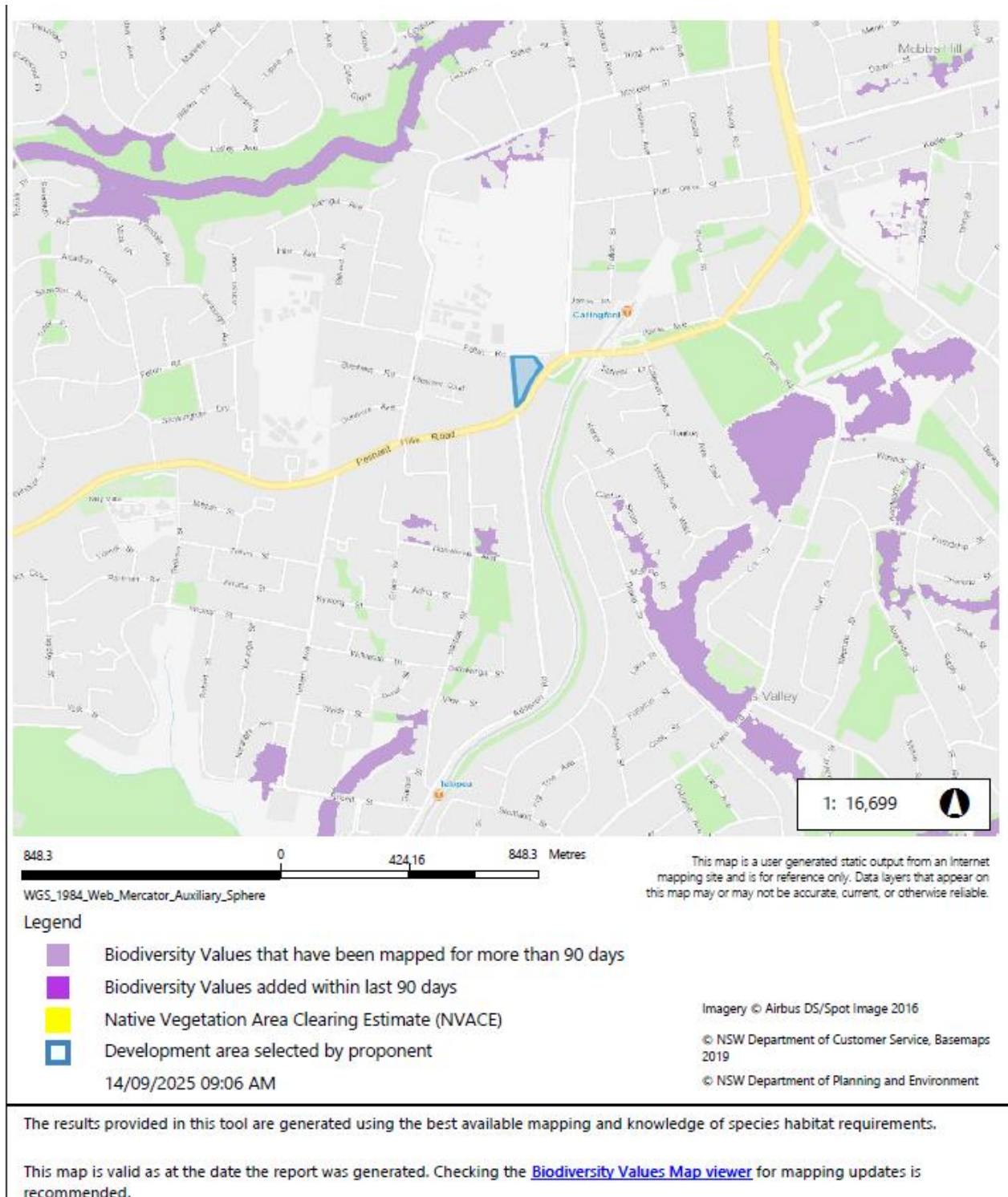


Figure 4 Biodiversity Values Map

Table 2 Impacts of the proposed development on biodiversity values

Biodiversity value	Meaning	Explain and document 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	An aerial image is provided in Figure 3. Vegetation on-site is consists of non-endemic pine trees, privet and weed species most of which is under 5m in height and exempt from Council's tree preservation order. Vegetation is located around the perimeter of the site. There is no endemic vegetation growing on or near the Site. The site is mainly hard paved and the proposed development footprint is generally consistent with the existing hard paving area.
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 site has been totally altered in terms of vegetation and landform from a naturally occurring state. There are no threatened ecological communities or associated habitat on the site as shown on the Biodiversity Values Map in Figure 4.
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	There are no native vegetation communities on the Site. Rocks and logs are not present in such form and numbers as to provide habitat for threatened species. The existing vegetation on-site does not constitute as a core habitat for native species or ecological communities. The subject site is highly modified as expected to find in an urban environment.

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.	There are no Threatened Ecological Communities existing on the Site. The buildings and surrounding landscape features are entirely artificial and provide no opportunities for threatened species to inhabit. The inclusion of basement parking in the new development further assists in this regard. Accordingly, there is no risk of vehicle strikes on threatened species or fauna with the new development. The development site does not contain any known human-made structures (e.g. buildings, culverts, bridges) that provide roosting, nesting, or sheltering habitat for threatened species such as microbats. Based on current site conditions, the likelihood and extent of any remaining impacts on threatened species abundance are 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	The Site is not connected to any land containing endemic forest nor endemic forest remnants. Therefore, there is nil connectivity with nearby areas of bushland and hence no opportunity for threatened species to move through the Site. Such is evident in Figure 4.
Threatened species movement 1.4(d) Biodiversity Conservation Regulation		The development site does not provide habitat features or landscape connectivity which attracts threatened species or provides opportunities for habitation. The proposed development will not interfere with typical movements of breeding or sheltering habitats.
Flight path integrity 1.4(e) Biodiversity Conservation Regulation		The modified urban environment is not conducive to birds. There are no opportunities for the movement of native animals through the site. This point is emphasized by the existence of Pennant Hills Road which is adjacent to the site and is a major thoroughfare with constant

		traffic flow which would prevent the free-flowing migration of terrestrial fauna across the roadway and hence the site. Anticipating a negligible impact on the flight paths of birds is anticipated.
Water sustainability 1.4(f) Biodiversity Conservation Regulation		There are no waterways within the site or near the site. No impact on waterways is envisaged. Stormwater from the subject site will be collected, detained and released in accordance with Council polices. The proposed development is unlikely to have any impact on water sustainability or on the ecological processes that support threatened species or communities.

4.0 CONCLUSION

The purpose of this report is to request project-specific SEARs for the preparation of an EIS to support the proposed demolition of existing structures and construction of a mixed-use development at No 241-245 Pennant Hills Road Carlingford.

The proposed development will be submitted as a State Significant Development application, including the provision of 26 apartments being set aside for affordable rental housing pursuant to Chapter 2, Part 2, Division 1 'Infill affordable housing' of State Environmental Planning Policy applies. The affordable housing component of the development will be managed by a registered community housing provider.

This BDAR Waiver report provides a summary of the proposal and the relevant considerations in the assessment of the application.

The report findings are that there is no significant vegetation on the site and no habitat for fauna given the sites urban developed environment.

Trees required to be removed are substantially non-endemic and up to 90% of vegetation on site is exempt from the application of the tree preservation order of Parramatta Council.

I have viewed the landscape plan prepared by Julia White and it is noted and a proper and appropriate selection of replacement species has been selected to complement the development. In conclusion the proposed development and subject site warrants a BDAR Waiver in this instance.

Regards

Yours sincerely



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Appendix A - 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		21/08/2025 2:06 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 footprinted 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	5,713.0 sqm
2.2	Native Vegetation Area Clearing Estimate (NVACE) (within development/clearing footprint)	1,044.7 sqm
2.3	Method for determining Minimum Lot Size	Lot size
2.4	Minimum Lot Size (10,000sqm = 1ha)	145 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

What do I do with this report?

- If the result above indicates the BOS Threshold has been exceeded, your local council **may require** a Biodiversity Development Assessment Report with your development application. Seek further advice from Council. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR for you. For a list of accredited assessors go to: <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>.
- If the result above indicates the BOS Threshold has not been exceeded, you may not require a Biodiversity Development Assessment Report. This BMAT report can be provided to Council to support your development application. Council can advise how the area clearing threshold results should be considered. Council will review these results and make a determination if a BDAR is required. Council may ask you to review the area clearing threshold results. You may also be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the *Biodiversity Conservation Act 2016*.
- If a BDAR is not required by Council, you may still require a permit to clear vegetation from your local council.
- If **all** Biodiversity Values mapping within your development footprint was less than 90 days old, i.e. areas are displayed as dark purple on the BV map, a BDAR may not be required if your Development Application is submitted within that 90 day period. Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 1.3 above.

For more detailed advice about actions required, refer to the **Interpreting the evaluation report** section of the [Biodiversity Values Map Threshold Tool User Guide](#) .

Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you or Council disagree with the area clearing threshold estimate results from the NVACE in Line Item 2.6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared), review the results using the [Guide for reviewing area clearing threshold results from the BMAT Tool](#).

Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature:  _____

(Typing your name in the signature field will be considered as your signature for the purposes of this form)

Date: _____

21/08/2025 02:06 PM

Biodiversity Values Map and Threshold Tool

The Biodiversity Values (BV) Map and Threshold Tool identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

The BV map forms part of the Biodiversity Offsets Scheme threshold, which is one of the factors for determining whether the Scheme applies to a clearing or development proposal. You have used the Threshold Tool in the map viewer to generate this BV Threshold Report for your nominated area. This report calculates results for your proposed development footprint and indicates whether Council may require you to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) for your development.

This report may be used as evidence for development applications submitted to councils. You may also use this report when considering native vegetation clearing under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 vegetation in non-rural areas.

What's new? For more information about the latest updates to the Biodiversity Values Map and Threshold Tool go to the updates section on the [Biodiversity Values Map webpage](#).

Map Review: Landholders can request a review of the BV Map where they consider there is an error in the mapping on their property. For more information about the map review process and an application form for a review go to the [Biodiversity Values Map Review webpage](#).

If you need help using this map tool see our [Biodiversity Values Map and Threshold Tool User Guide](#) or contact the Map Review Team at map.review@environment.nsw.gov.au or on 1800 001 490.

Biodiversity Values Map

