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BDAR Waiver Request

Mixed-use Development with Infill Affordable Housing
Corner Verona and Oxford Streets, Paddington
SSD-87245208

Prepared for: 17 Oxford St Pty Ltd

24 September 2025

AEP Ref: 5690

Revision: 01

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EXECUTIVE SUMMARY

This Biodiversity Development Assessment Report (BDAR) Waiver Request has been prepared by Anderson Environment & Planning (AEP) to inform a forthcoming State Significant Development Application (SSDA-87245208) for partial demolition of existing structures and construction of a new Mixed-use development incorporating Infill Affordable Housing at 17 Oxford St, Paddington, NSW.

The report responds to the expected Secretary's Environmental Assessment Requirements (SEARs) and assesses the potential impacts of the proposal on biodiversity values, with the aim of determining whether a BDAR is required to support the SSDA.

The development site comprises approximately 0.25ha and includes existing buildings and some internal landscaped courtyard areas. Vegetation on or near the site is limited to the landscaped garden beds in the central courtyard containing a mix of common introduced ornamental and native shrubs and ferns, and five planted street trees on the Oxford Street frontage, being introduced London Plane Trees.

Desktop analysis and field investigations (both external and internal building inspections) were undertaken to identify any biodiversity features of note, including threatened species, threatened ecological communities, and habitat features. The assessment found that the site does not contain any remnant native vegetation or habitat features that would likely support threatened species. Unit residents verbally confirmed that fauna sightings were limited to common introduced birds and Black Rats.

An assessment under Section 7.3 of the *Biodiversity Conservation Act 2016* (the Five-part Test of Significance) concluded that the proposed development is unlikely to result in significant impacts on threatened species or ecological communities. Further assessment against the biodiversity values outlined in the BDAR Waiver Guidelines confirmed that the site's highly urbanised context, minimal vegetation of any potential importance for threatened species, and lack of habitat connectivity means the proposal is very unlikely to have a significant impact on listed biodiversity values.

Accordingly, this report concludes that a BDAR is not required, and that a BDAR Waiver is requested for this project.

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1.0 Introduction

This BDAR Waiver Request has been prepared to accompany a State Significant Development Application (SSDA-87245208) seeking consent for the partial demolition of existing structures and construction of a Mixed-use Development incorporating Infill Affordable Housing on the corner of Verona and Oxford Streets, Paddington.

The development site is comprised of several lots, including Lot 1 DP137013, Lot 1 DP75105 and SP22113.

The development site is referred to throughout this report as 'the site', and the site location is shown in **Figure 1**.

This report has been prepared in response to the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development. Specifically, it addresses the biodiversity-related SEARs item, including an assessment of whether the proposal requires a Biodiversity Development Assessment Report (BDAR) under the *Biodiversity Conservation Act 2016*.

Table 1: SEARs Requirement

Item	Description of Requirement
16	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</i> and the Biodiversity Assessment Method 2020. 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.

For the purposes of referencing, this document should be referred to as:

Anderson Environment & Planning (2025). BDAR Waiver Request for Mixed-use Development with Infill Affordable Housing – Corner of Verona and Oxford Streets, Paddington, NSW. Unpublished report for 17 Oxford St Pty Ltd. September 2025.

Plate 1: Site Location



2.0 Study Certification and Licencing

The fieldwork and reporting for this assessment were undertaken by Craig Anderson BAppSc(EAM), Accredited Biodiversity Assessor BAAS 17002.

Research was conducted under the following licences:

- NSW National Parks and Wildlife Service Scientific Investigation Licence SL101313;
- Animal Research Authority (Trim File No: 14/600(2)) issued by NSW Agriculture; and
- Animal Research Establishment Accreditation Number 53724.

Certification:

As the certifier, I, Craig Anderson, make the following certification:

- The results presented in the report are, in the opinion of the principal author and certifier, a true and accurate account of the species recorded, or considered likely to occur within the site; and
- All research workers have complied with relevant laws and codes relating to the conduct of flora and fauna research, including the *Animal Research Act 1995*, *National Parks and Wildlife Act 1974* and the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes.

Certifier:



Craig Anderson

Managing Director

Anderson Environment & Planning

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3.0 Methodology

Investigations were carried out within the site and via literature / database searches to gather information required to adequately assess biodiversity values within the site.

The assessment approach was tailored to undertake sufficient works to ensure that biodiversity values were understood. Specifically, this included:

- Assess relevant datasets including State Vegetation Type Map 2024, and Threatened Species Atlas records;
- Identify vascular plant species occurring within the site, including any threatened species listed under the *BC Act* or *EPBC Act*;
- Identify and map the extent of vegetation communities within the site, including any TECs listed under the *BC Act* or *EPBC Act*;
- Identify fauna use within the site, including habitat features that could be used by threatened species such as microbats; and
- Assessment of the likely use of the site by local flora and fauna.

In addition to the survey work conducted within the site boundary and its immediate surrounds, consideration has been afforded to the wider locality, including consideration of habitat areas that may be linked ecologically to the site.

3.1 Details of Field Surveys

A summary of the survey effort within the Study Area is listed below in **Table 2**.

Table 2: Field Survey Periods

Date	Time	Field Activity	No. of Persons on Site
25/7/25	12:30 – 14:15	Diurnal site assessment was undertaken within the site, which included an assessment of any vegetation present on or near the site, identification of potential external habitat features, and external appraisal of the buildings from various viewpoints. This was coupled with internal survey of existing active commercial and retail premises and common spaces. Ceiling areas were examined for any signs of potential fauna occupation and potential access points.	1

The above survey methodology is considered to provide sufficient understanding of the biodiversity of the site. AEP conducted a habitat assessment for all threatened species that have been recorded within the locality. It was ensured that all habitat features potentially suitable within the site by notable species were considered, and accommodated within subsequent ecological assessment.

3.2 Considerations of Biodiversity Offsets Scheme

There are three (3) criteria that require assessment under the Biodiversity Offsets Scheme (BOS) to determine whether or not entry into the BOS is required. While these do not specifically apply to State Significant Developments, consideration is provided to these criteria to assess potential biodiversity impacts. The three criteria are as follows:

- Whether or not the site contains Biodiversity Values Mapped land;
- Whether or not the proposal exceeds the Native Vegetation Area Clearing Threshold applicable to the minimum lot size; and / or
- Whether or not a Test of Significance determines that a significant impact on threatened biodiversity is likely to occur.

The BOS criteria are addressed below.

3.2.1 Biodiversity Values Map

The Biodiversity Values Map (BV Map) identifies land with high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*. The BOS applies to developments or the clearing of native vegetation where the *SEPP (Vegetation in Non-Rural Areas) 2017* applies. The site does not contain BV mapped land, and no BV mapped land occurs within 1km of the site.

As such, **the Biodiversity Offset Scheme is not triggered by the BVL threshold test.**

3.2.2 Area Clearing Threshold

“The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). The area threshold applies to all proposed native vegetation clearing associated with a development proposal”.

Table 3: Area Clearing Thresholds (BC Act)

Minimum lot size	Threshold for clearing, above which the BOS applies
< 1ha	>0.25ha
1ha to <40ha	>0.5ha
40ha to <1000ha	>1.0ha
>1000ha	>2ha

In this case, as per the LEP no minimum lot size has been specified for the site and therefore the applicable minimum lot size is taken to be the size of the smallest lot within the site i.e. (<1ha). Therefore, the applicable area clearing threshold is 0.25ha.

The total area of native vegetation within the site is very small, and is comprised of planted common landscape shrub and fern species.

As such, the Area Clearing Threshold is not triggered.

3.2.3 Test of Significance

The Test of Significance as prescribed under Section 7.3 of the BC Act is used to determine if a proposal is likely to have a significant effect on threatened species, ecological communities or their habitats. This is considered further in this report.

4.0 Results

4.1 Vegetation

A combination of desktop analysis and field survey was undertaken to identify flora species and determine the presence of any Plant Community Types (PCTs) within the site.

The State Vegetation Type Map 2024 (SVTM) does not map any native vegetation communities as occurring on-site.

Vegetation present within the site consists of a small area of planted common native and exotic ornamental species in the courtyard garden beds, including species such as Fiddle-leaf Figs, Birds Nest Ferns, Tree Ferns, Cordyline, Lomandra, Philodendrom, Broemliads, Agave and Mother-in-law's Tongue.

It is proposed that this vegetation is removed as part of the development, and replaced with other landscaping.



Plate 2 – Internal courtyard garden beds

Five [*Platanus* x 'Acerifolia'](#) (London Plane Tree) are planted as street trees along the Oxford Street frontage (see **Plates 3 & 4** overleaf). It is unknown if these trees will need to be removed, however for the purposes of this assessment a precautionary approach has been adopted and it is assumed that the trees will need to be removed.



Plates 3 (above) and 4 (below) – London Plane street trees



These introduced (non-native) trees are a hybrid of the Oriental Plane and American Sycamore trees, and were a common species chosen for street planting in the 20th century. However, they are not favoured as street trees now, as the short, stiff hairs shed by the young leaves and the dispersing seeds are an irritant if breathed in, and can exacerbate breathing difficulties for people with asthma. The vigorous roots can also cause problems with paving, making uneven surfaces with tripping hazards. The large leaves shed annually can create a disposal problem, as they are tough and sometimes can take more than one year to break down if they remain whole.

As the existing London Plane Trees offer minimal resources for native fauna, are linked to respiratory health issues, and may create logistical issues with development construction and servicing, removal of these London Plane Trees would not be considered a negative outcome if they are replaced with more desirable species. In line with the global push to Nature Positive, it is now preferred to use suitable native species for urban planting, including street trees that will provide suitable resources for native fauna. Councils are encouraged to lead this transition, including working with development proponents in suitable situations to replace unsuitable and/or introduced species with more suitable native species. If they are removed, it is recommended that they be replaced with advanced native trees in minimum 100L pots as part of final landscaping of the proposal. Suitable species could include Tuckeroo, Coastal Banksia, Water Gum or a range of Eucalypts.

4.2 Habitat Assessment

The site offers limited habitat for native fauna species, and in particular for any threatened species. No stick nests, hollows, waterbodies, or other habitat features of note were identified during assessment.

Buildings were assessed externally and internally, and no active roosting habitat for microbats was identified. The buildings are largely all brick, flat roofed, with minimal cavity area below the metal roofs which would make them thermally unsuitable for roosting habitat. No sign of internal ceiling failure or open access was observed, thus limiting chances of access for any roosting species. All underground carpark areas and services portals were inspected, and no sign of roosting was observed.

Based on the inspection, the chances of any part of the site being occupied by any threatened flora or fauna species is extremely unlikely.

4.3 Fauna

Fauna observed during site inspection were typical of an urbanised setting, including pest bird species including Rock Doves (*Columba livia*) roosting on external building ledges and Indian Myna (*Acridotheres tristis*) perching in the London Plane Trees when not foraging around the site. The introduced Black Rat (*Rattus rattus*) was also observed in the courtyard garden.

Due to the current land use of the site and the surrounding urbanised environment, it is likely that only highly mobile and urban tolerant species of fauna would utilise the site.

Plate 5 – Roosting Rock Doves



5.0 Impact Assessment

5.1 Test of Significance

Section 7.3 of the BC Act lists five factors that must be taken into account in determining the significance of potential impacts of proposed activities on threatened species, populations, ecological communities and/or their habitats as listed within the BC Act.

The Five-part Test is used to determine whether there is likely to be a significant impact, and thus whether the Biodiversity Offsets Scheme (BOS) is triggered.

- a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction***

The site is in a highly developed urban setting and it is not likely that any threatened species are likely to utilise the site. The site inspection did not identify any threatened species, or any habitat that would be likely to be utilised by threatened species.

As such, the proposed development is not likely to have an adverse effect on the life cycle of any threatened species such that a viable population is likely to be placed at risk of extinction.

- b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:***

- i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or***
- ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction***

Not applicable, no remnant native vegetation community and / or EEC vegetation is present.

- c) in relation to the habitat of a threatened species or ecological community:***

- i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and***

- ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and***
- iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality***

The proposed development will result in the removal of a small area of planted landscape vegetation, and potentially up to five planted street trees, and the partial demolition of existing structures on site. The vegetation present is highly unlikely to be important for any native fauna species. The existing infrastructure is largely in active use and does not contain accessible features typically used by roosting microbats or other native fauna, and therefore does not provide suitable habitat. Given the absence of suitable habitat features for native fauna, or ecological connectivity, the area to be cleared is not considered important to the long-term survival of any threatened species or ecological community in the locality.

- d) ***Whether the proposed development or activity is likely to have an adverse effect on any declared Area of Outstanding Biodiversity Value (either directly or indirectly)***

No part of the site or immediate surrounds is a declared Area of Outstanding Biodiversity Value.

- e) ***Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process (KTP)***

The proposal is highly unlikely to notably contribute to any Key Threatening Process.

Conclusion:

As such, no significant impacts will result as per Section 7.3 of the BC Act, and as such, the Test of Significance threshold is not triggered.

5.2 Biodiversity Impacts

An assessment of biodiversity values is provided in **Table 4** below.

Table 4: Biodiversity Impacts

Impacts on Biodiversity Values from the Proposed Development		
Biodiversity values	Meaning	Explain and document significance of likely impacts
Vegetation abundance	Occurrence and extent or coverage of vegetation at a particular site	The site supports only a very small area of planted native and exotic ornamental species. Vegetation is limited in area and functionally isolated and hence provides negligible ecological value for native fauna. As such, the proposed impacts are not considered significant from a biodiversity perspective.
Vegetation integrity / habitat suitability	Degree to which the habitat needs of threatened species are present at a particular site	The site is located in Paddington, one of the most urbanised areas in NSW. Vegetation on-site is limited in area and functionally isolated and hence provides negligible ecological value for native fauna. The surrounding landscape is also urbanised with minimal connectivity to natural areas. No habitat features such as exposed rock, hollows, or waterbodies were identified. Threatened species are very unlikely to utilise the site or rely on any resources therein. Overall, the site provides negligible habitat suitability.
Threatened species abundance	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	As outlined above, no threatened ecological communities occur within the site, and the site is unlikely to have value for any threatened species. No individuals or signs of threatened species were recorded, and the site is not known to support threatened species.
Habitat connectivity	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement	The site is surrounded by urban infrastructure and is highly fragmented from areas of native vegetation. It does not serve as a corridor or stepping-stone habitat for species movement. Only highly mobile fauna may transit the area, but such movements are not expected to be impacted to any notable degree by the development.

Impacts on Biodiversity Values from the Proposed Development		
Biodiversity values	Meaning	Explain and document significance of likely impacts
	of those species across their range	
Threatened species movement	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	The site lacks natural habitat features of note and is situated in an urban context. It is unlikely to support or facilitate the movement of any threatened species. Accordingly, the proposed development is not expected to interfere with the lifecycle of threatened fauna.
Flight path integrity	Degree to which the flight paths of protected animals over a particular site are free from interference	The proposed development will involve the construction of buildings taller than the existing buildings. However, given the location of the site, only highly mobile and urban tolerant birds and/or bats could potentially be flying around the site. The development is not of a scale that is likely to interfere with the flight paths of protected animals.
Water sustainability	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	There are no natural waterbodies or aquatic features on-site or in the immediate surrounds. Existing stormwater infrastructure will continue to manage hydrology. The proposed development is not expected to alter water quality or hydrological processes relevant to threatened species or communities.

6.0 Conclusion

On the basis of the information gathered on-site and at a desktop level as presented herewith, it is clear that no BOS Thresholds are triggered, and no threatened entities will be notably impacted by the proposed development, and hence a BDAR is not warranted for the proposed development.

It is requested that the Department release a BDAR Waiver for this SSD application.