

Jacob Wells
TM No.8 Pty Ltd
Level 5, 19 Harris St
Pyrmont NSW 2009
jacob@tooheymiller.com.au
Supplied by email

20 October 2025

**Re: BDAR waiver, Oxford 160 (Lots 1 – 5 // DP 263685, SP 13018, Lot 1 // DP 70235)),
Paddington 2021**

Dear Jacob,

This Biodiversity Development Assessment Report (BDAR) Waiver has been prepared for the proposed State Significant Development (SDD) at 13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington. The site is legally described as Lot 1 // DP 263685, Lot 2 // DP 263685, Lot 3 // DP 263685, Lot 4 // DP 263685, Lot 1 // DP 70235, Lot 5 // DP 263685 and SP 13018.

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), all development applications for SSD projects must be accompanied by a BDAR. As outlined in Part 7 of the NSW *Biodiversity Conservation Act 2016* (BC Act), a waiver for the BDAR can be issued if the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have 'any significant impact on biodiversity values'.

Please find below an assessment of the likely impacts on biodiversity values, as defined under the BC Act and the NSW *Biodiversity Conservation Regulation 2017* (BC Regulation), that will result from the proposal. The result of the assessment is that **the proposal is unlikely to have any significant impact on biodiversity values.**

If you require any further information, please contact me on the details provided below.

Sincerely,

Zahra Spitznagel-Reeves

Zahra Spitznagel-Reeves

Field Ecologist
BConsBio (Hons)
M: 0458 767 638
E: zahra.spitznagel-reeves@ecoplanning.com.au

Background

Table 1 is based on the BDAR waiver factsheet (NSW DEH 2025), which outlines the supporting information required within a BDAR waiver.

Table 1: BDAR waiver information requirements.

Proponent name and contact details	TM No.8 Pty Ltd Level 5, 19 Harris St, Pyrmont NSW 2009 Jacob Wells Phone: +61 481 088 741 Email: jacob@tooheymiller.com.au
Name and ecological qualifications of person completing the BDAR waiver	Zahra Spitznagel-Reeves Field Ecologist BConsBio (Hons) M: 0458 767 638 E: zahra.spitznagel-reeves@ecoplanning.com.au Robert Humphries Principal Consultant Accredited Assessor BAAS 20022 BAppSci, MSc Research M: 0417 258 264 E: robert.humphries@ecoplanning.com.au
Street address, lot and DP, local government area	The site is located at 160 Oxford St (SP 13018), 148 Oxford St (Lot 1 // DP 263685), 146 Oxford St (Lot 2 // DP 263685), 144 Oxford St (Lot 3 // DP 263685), 142 Oxford St (Lot 4 // DP 263685), 6 Shadforth St (Lot 1 // DP 70235), and 13 Gipps St (Lot 5 // 263685), Paddington NSW 2021, within the Woollahra Local Government Area
Description of existing development site	The subject land, zoned R3 Medium Density Residential and R2 Low Density Residential under the Woollahra LEP 2014, features multiple relatively recent structures currently utilised for residential purposes. This includes residential buildings ranging from one to three storeys built from 1970 onwards, none of which are vacant.

	In addition to these structures, the site is characterised by paved surfaces and small patches of exotic landscaping.
Site map	See Figure 1 .
Location map showing the development site in the context of surrounding areas and landscape features	See Figure 2 .
Project description	The SSDA seeks development consent for: • Site works comprising excavation and ground works including bulk excavation and in ground services works. • A four (4) story basement, with vehicular access from Shadforth Street, comprising car parking spaces, motorcycle spaces, bicycle spaces, garbage storage, loading space, plant rooms and apartment storage • Ground floor shops • A total of approximately 44 dwellings, comprised of affordable housing dwellings to be managed by a community housing provider for a period of at least 15 years, and market build-to-sell dwellings • Landscaping works and extension and augmentation of services and infrastructure as required, including landscaping works on 13 Gipps Street. • Provision of pedestrian access to the development will be provided from Bethel Lane.
Proposed site plan	See Figure 3 .

Biodiversity Assessment

This section determines if the proposed development is likely to cause any significant impact on biodiversity values as described within the BC Act and BC Regulation.

The following biodiversity values are defined under Section 1.5 of the BC Act:

- **Vegetation integrity** – being the 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.
- **Habitat suitability** – being the degree to which the habitat needs of threatened species are present at a particular site.

The following biodiversity values are defined under Clause 1.4 of the BC Regulation:

- **Threatened species abundance** – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site.
- **Vegetation abundance** – being the occurrence and abundance of vegetation at a particular site.
- **Habitat connectivity** – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range.
- **Threatened species movement** – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle.
- **Flight path integrity** – being the degree to which the flight paths of protected animals over a particular site are free from interference.
- **Water sustainability** – being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.

In addition, Section 6.1 of the BC Regulation lists the following prescribed biodiversity impacts:

- impacts of development on the following habitat of threatened species or ecological communities:
 - karst, caves, crevices, cliffs and other geological features of significance,
 - rocks,
 - human made structures,
 - non-native vegetation.
- impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range,



- impacts of development on movement of threatened species that maintains their lifecycle,
- impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development),
- impacts of wind turbine strikes on protected animals,
- impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community.

Table 2 addresses the potential impacts of the proposal to the biodiversity values listed above.

Appendix A details the flora and fauna species recorded during the field survey.

Table 2: Potential impacts of the proposed development on biodiversity values.

Biodiversity value	Relevant	Impacts
Vegetation integrity – 1.5(2) (a) BC Act	✓	The subject land contains 0.05 ha of exotic landscaping vegetation (comprising species such as <i>Plumeria</i> spp. (Frangipani), <i>Dracaena trifasciata</i> (Snake Plant), <i>Monstera deliciosa</i> (Monstera) and <i>Agapanthus africanus</i> (Lily of the Nile)) that cannot be assigned to a PCT, and 0.01 ha of Common Couch (<i>Cynodon dactylon</i>) Grassland that cannot be reasonably assigned to a plant community type (PCT) (Figure 4, Appendix A). No native vegetation other than the Common Couch Grassland was identified during the site assessment. Consequently, a Biodiversity Assessment Method (BAM) compliant floristic plot and transect cannot be established within the subject land, and a vegetation integrity score does not apply. The remainder of the development footprint consists of hardstand areas and existing structures. Therefore, the proposed SSD will not have a significant impact on vegetation integrity, as the vegetation within the development footprint does not conform to a native PCT and a VI score cannot be calculated under the BAM methodology.
Habitat suitability – 1.5(2) (b) BC Act	✓	Habitat within the subject land was assessed by an Ecoplanning ecologist on 7 August 2025. The subject land consists primarily of planted exotic vegetation which does not provide suitable foraging or roosting habitat for any threatened species. Minimal native vegetation is present within the subject land in the form of Common Couch Grassland, which does not provide suitable habitat for threatened species. The remainder of the development footprint consists of human made structures. No significant roosting habitat for microbats was identified. All buildings are currently occupied and maintained, with no evidence of bat use. Gutters appeared new, intact and maintained with no external openings detectable. Microbat roosting in densely populated, well maintained residential settings is highly unlikely, particularly in the absence of roof access or cavity entry points. All potential roosting features, including crevices, chimneys and external openings, were inspected where possible, and no signs of microbat use were detected (e.g. scats, odour, sounds, scratch marks). Additionally, a thermal camera survey was conducted within and around the site at dusk on 7 August to detect any bat activity. No bat activity was observed within the subject land during this period (however, this is not unexpected as bats would have been in torpor at this time of year).

Biodiversity value	Relevant	Impacts
		The area surrounding the site is dominated by exotic vegetation, with street trees primarily consisting of planted <i>Platanus occidentalis</i> (American sycamore). Barracks Reserve, located directly south of the site, contains mature <i>Ficus</i> spp. and may provide potential habitat for Grey-headed Flying-foxes, which were observed during the site survey approximately 400 m south of the site on Moore Park Road. As such, it is considered highly unlikely that the proposed SSD will have significant impact on habitat suitability of any threatened species, as the land does not provide suitable habitat for threatened species.
Threatened species abundance – 1.4(a) BC Regulation	✓	There are multiple threatened species records within the 1500 m locality, notably Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) and Powerful Owl (<i>Ninox strenua</i>). Grey-headed Flying-fox are relatively widespread throughout the area, with a stable population forming a camp approximately 2 km south east of the subject land in Centennial Park. A Powerful Owl population is also present in Centennial Park, with additional scattered occurrence throughout the locality. Despite nearby records of both species, the likelihood of these species utilising the subject land is low due to a lack of foraging species within the planted garden beds for Grey-headed Flying-fox, and no suitable nesting trees for Powerful Owls. Additionally, the presence of more extensive foraging habitat in the locality, including Barracks Reserve approximately 50 m south of the site and Centennial Park approximately 2 km south east of the site, provide further indication that threatened species are not expected to occur in abundance within the site. There is no significant impact to threatened species abundance as a result of the proposed SSD.
Vegetation abundance – 1.4(b) BC Regulation	✓	The subject land contains 0.05 ha of planted exotic vegetation and 0.01 ha of Common Couch Grassland that cannot be reasonably assigned to a plant community type (PCT). As such, the subject land would have negligible impact on vegetation abundance as there is minimal native vegetation within the development footprint.
Habitat connectivity – 1.4(c) BC Regulation	✓	The subject land in its current state consists entirely of human made structures and primarily exotic planted vegetation which provides no connectivity to surrounding vegetation. Additionally, no native vegetation is mapped within the 1500 m locality (Refer to Figure 2). Therefore, the SSD would not impact the movement of any threatened species across the development footprint.

Biodiversity value	Relevant	Impacts
Threatened species movement – 1.4(d) BC Regulation	✓	The SSD is consistent with the character of the locality, which is built-up and highly urbanised. Impacts to the movement of threatened species across the development footprint would be negligible due to the lack of suitable habitat in this setting. Furthermore, any potential impacts to microbats would also be negligible, given the availability of similar, more preferred suitable roosting structures in the surrounding area, such as tunnels, bridges and other manmade structures. Therefore, the SSD would not impact the movement of any threatened species across the development footprint.
Flight path integrity – 1.4(e) BC Regulation	✓	The subject land is not considered to be significant to the flight paths of protected species as these species are unlikely to utilise the landscape. Therefore, the proposal is unlikely to significantly impact on the ability of flying species to move throughout their range within the locality.
Water sustainability – 1.4(f) BC Regulation	✓	There are no open water bodies within the subject land that will be affected by the SSD. The development will adhere to relevant planning and water-sensitive urban design guidelines to ensure compliance with best-practice management and the SEARs. Therefore, it is not expected that the SSD will result in significant changes to hydrology, and any potential impacts on water sustainability, threatened species, or threatened ecological communities are unlikely to be significant.
Specific habitats for threatened species or ecological communities – 6.1(1)(a) BC Regulation	✓	The subject land does not contain any karsts, caves, crevices, cliffs or other geological features of significance, nor significant rock formations. Human made structures are present within the site, however, they provide minimal roosting potential for microbat species, as discussed above. The development footprint contains exotic planted vegetation which will be removed under the proposal. This vegetation does not represent potential foraging or roosting.
Connectivity – 6.1(1)(b) BC Regulation	✓	As noted above, there is no native vegetation within 1500 m of the subject land. Vegetation within the subject land is primarily planted exotic and provides no connectivity to surrounding vegetation. As such, the SSD would have no further impact on connectivity.

Biodiversity value	Relevant	Impacts
Movement of threatened species – 6.1(1)(c) BC Regulation	✓	As described above, there is no vegetation within the subject land that may facilitate the movement of threatened species across their range. Additionally, there is no native vegetation within the locality of the subject land (1500 m). Therefore, the SSD would not impact the movement of any threatened species across their range or across the development footprint.
Water quality – 6.1(1)(d) BC Regulation	NA	The proposal would not have any significant impact on water quality, water bodies or hydrological processes that sustain threatened species or threatened ecological communities, as the development would consist of an above-ground construction in a previously cleared area that does not include any open waterbodies.
Wind turbine strikes – 6.1(1)(e) BC Regulation	NA	The proposal does not involve wind turbines and therefore there will be no impact from wind turbine strikes.
Vehicle strikes – 6.1(1)(f) BC Regulation	✓	The proposed SDD is located in an area that is already urbanised and experiences a high level of existing traffic activity. This urban environment has likely already shaped the local ecological dynamics, including the behaviour and distribution of fauna. Given the high baseline level of vehicle activity, the threat of vehicle strikes to fauna in the area is already approaching its maximum. As a result, the addition of vehicle movements associated with the construction or operation of the proposed development is unlikely to significantly increase the risk of fauna mortality from vehicle strikes. The absence of suitable habitat for threatened fauna within the proposed development site further reduces the likelihood of any direct impacts. Additionally, the urban context and existing high traffic volumes have likely deterred sensitive fauna from frequenting the area, making it an even lower-risk location for potential vehicle-wildlife interactions.

References

NSW Department Climate Change, Energy, the Environment and Water (DCCEEW) (2024). NSW State Vegetation Type Map. Accessed at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/nsw-bionet/state-vegetation-type-map>

NSW Department Climate Change, Energy, the Environment and Water (DCCEEW) (2025). BioNet Atlas Accessed at: <https://atlas.bionet.nsw.gov.au/>

NSW Department of Environment and Heritage (DEH) (2025). Biodiversity Development Assessment Report waiver (factsheet). Accessed at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/clear-and-develop-land/biodiversity-development-assessment-waiver>





Figure 1: Subject land and immediate surrounds.

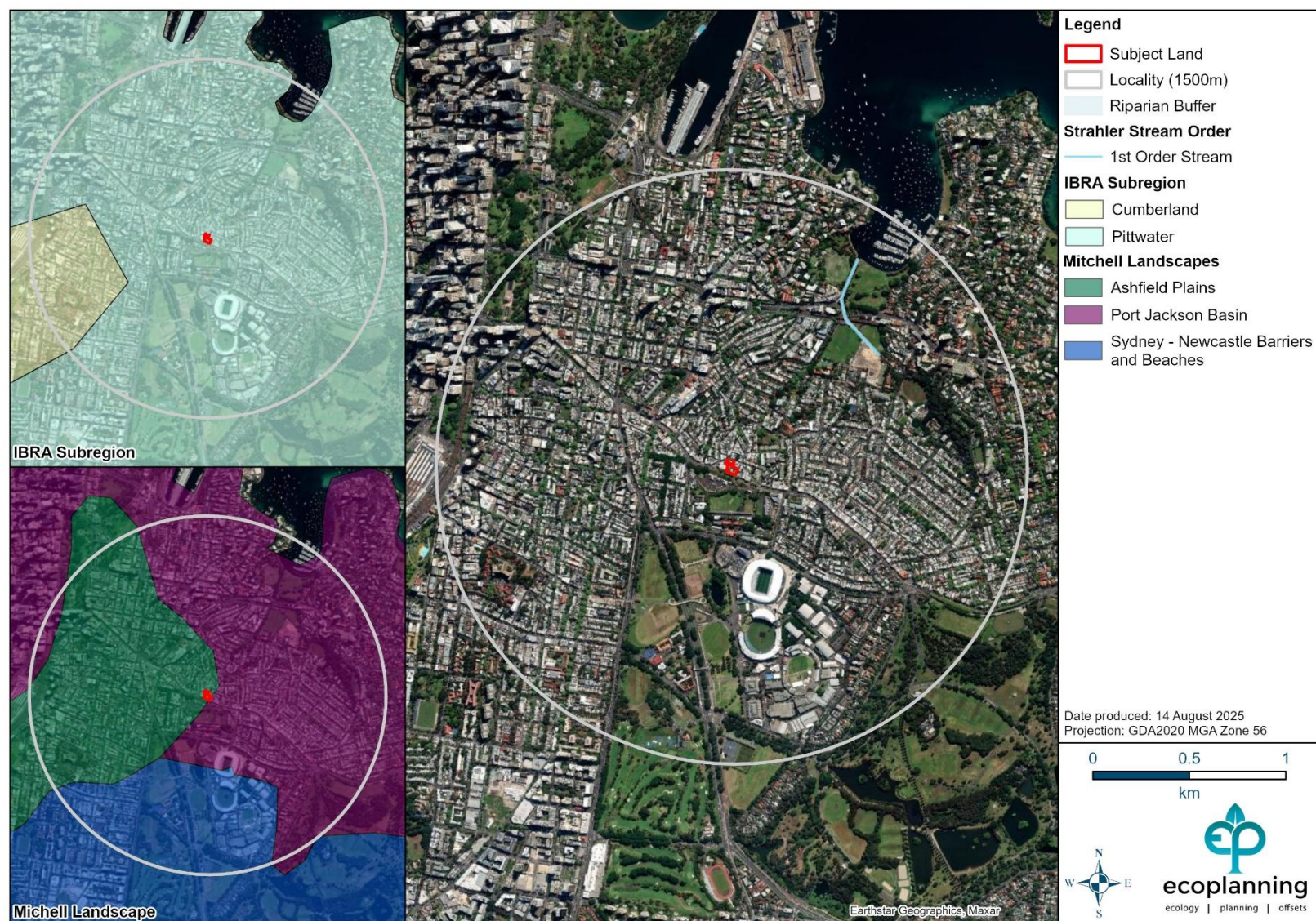
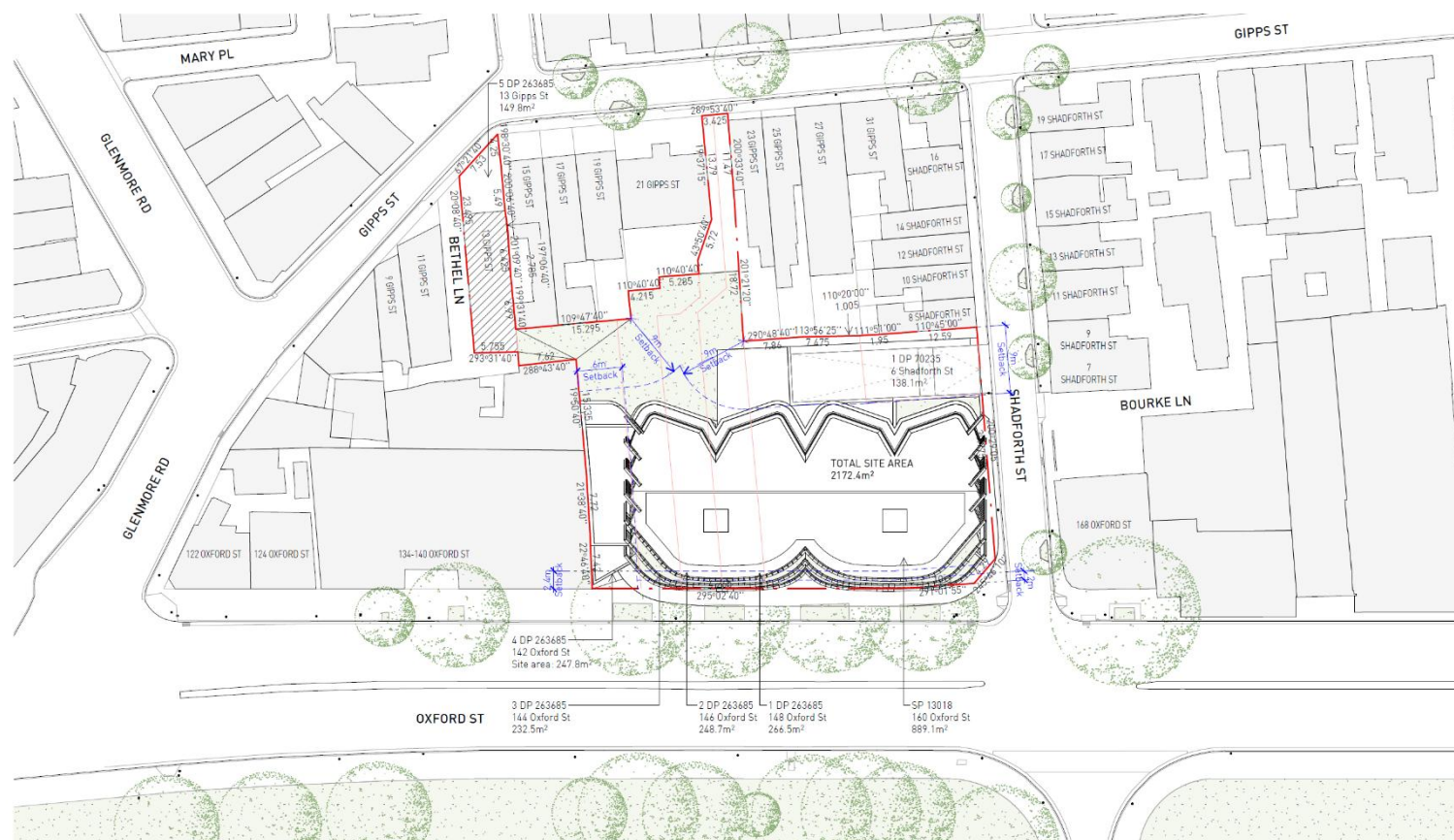


Figure 2: Landscape details.

Architectural Drawings

Site Plan



smart design studio

160 Oxford Street, Paddington

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Figure 3: Proposed development plan (TM No.8 Pty Ltd, 2025).



Figure 4: Validated vegetation within the subject land (Ecoplanning 2025).

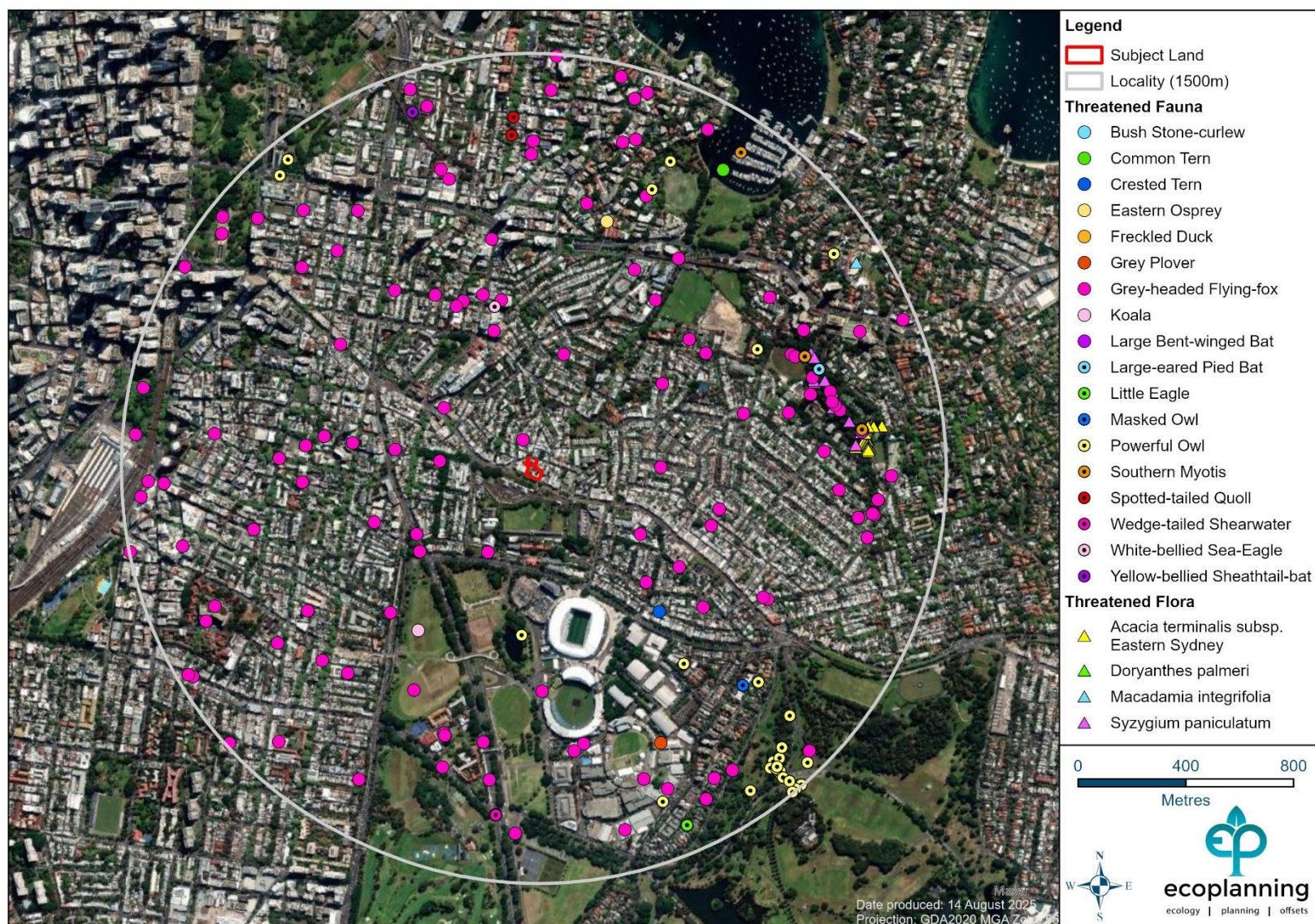


Figure 5: Threatened species within the locality (1500 m).

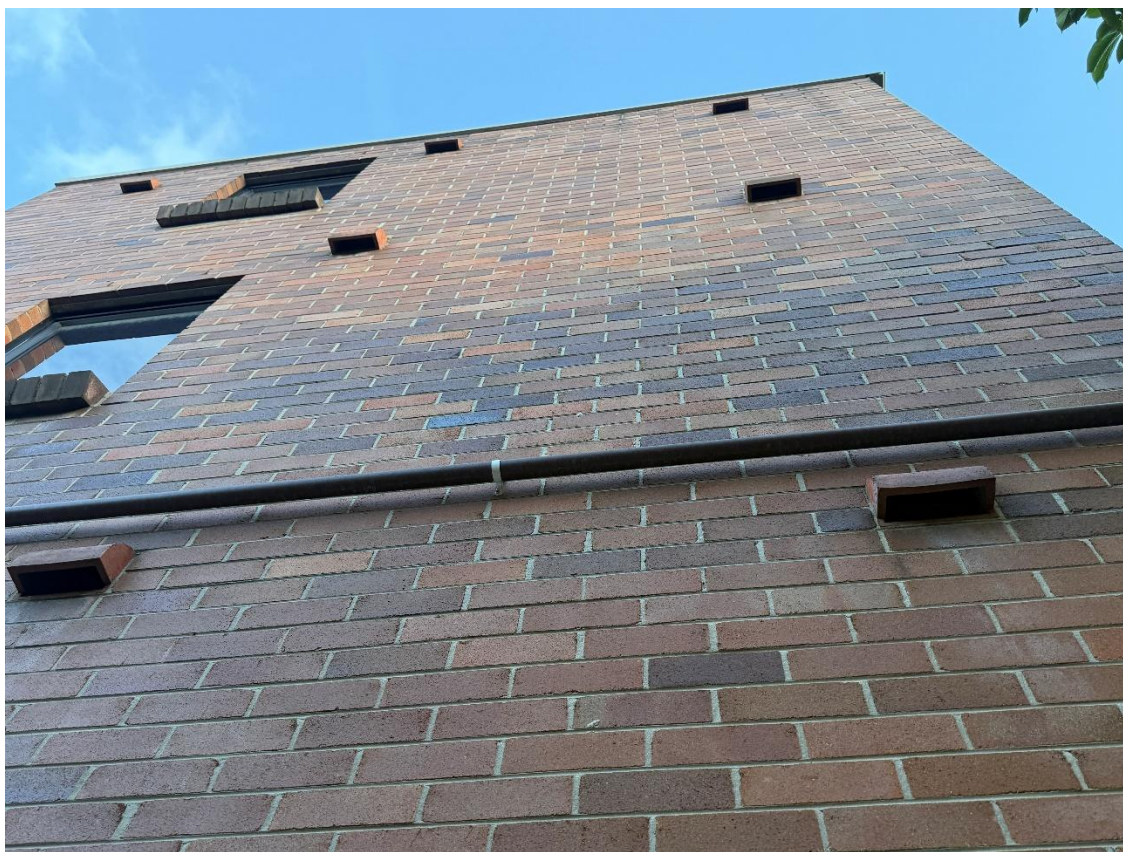


Figure 6: Residential building within the subject land, containing vents showing no signs of entry-exit use by microbats.



Figure 7: Residential building within the subject land.



Figure 8: Planted exotic vegetation, including *Plumeria* spp. (Frangipani) within the subject land (no Grey-headed Flying-fox foraging species present).



Figure 9: Planted exotic vegetation within the subject land (no Grey-headed Flying-Fox foraging species present).

Appendix A Species list

Flora list

Family	Scientific name	Common name	Native/Exotic
Amaryllidaceae	<i>Clivia nobilis</i>	Green-tip Forest Lily	Exotic
Apocynaceae	<i>Plumeria</i> sp.	Frangipani	Exotic
Araceae	<i>Monstera deliciosa</i>	Monstera	Exotic
Asparagaceae	<i>Epipremum</i> sp.	Pothos species	Exotic
	<i>Thaumatococcus</i> <i>bipinnatifidum</i>	Split leaved Philodendron	Exotic
	<i>Syngonium podophyllum</i>	Arrowhead Vine	Exotic
	<i>Dracaena trifasciata</i>	Snake Plant	Exotic
Asphodelaceae	<i>Agave attenuata</i>	Elephant's Trunk	Exotic
	<i>Dracaena</i> sp.	-	Exotic
	<i>Aloe arborescens</i>	Candelabra Aloe	Exotic
Aspleniaceae	<i>Asplenium nidus</i>	Bird's Nest Fern	Exotic
Crassulaceae	<i>Graptopetalum paraguayense</i>	Ghostplant	Exotic
Cupressaceae	<i>Cupressus sempervirens</i>	Mediterranean cypress	Exotic
Lamiaceae	<i>Salvia</i> sp.	-	Exotic
Liliaceae	<i>Agapanthus africanus</i>	Lily of the Nile	Exotic
Magnoliaceae	<i>Magnolia</i> sp.	-	Exotic
Moraceae	<i>Ficus</i> sp.	-	Exotic
	<i>Morus alba</i>	White Mulberry	Exotic
Platanaceae	<i>Platanus occidentalis</i>	American Sycamore	Exotic
Poaceae	<i>Cynodon dactylon</i>	Common Couch	Native
Strelitziaceae	<i>Strelitzia nicolai</i>	White bird-of-paradise	Exotic

Fauna list

Scientific name	Common name	Native/Exotic
<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	Native
<i>Cracticus tibicen</i>	Australian Magpie	Native
<i>Manorina melanocephala</i>	Noisy Miner	Native
<i>Strepera graculina</i>	Pied Currawong	Native
<i>Threskiornis molucca</i>	Australian White Ibis	Native



Our ref: Oxford Street, Paddington Residential Flat Building with Affordable (SSD-997528708)

Mr Nick Couloubis
Founder, The Trustee for TM NO.8 DEVELOPMENT UNIT TRUST
Level 5, 19 Harris Street
PYRMONT NSW 2009

20 November 2025

Subject: Oxford Street, Paddington, Residential Flat Building with Affordable (SSD-997528708) – Request to waive the requirement for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

Dear Mr Couloubis

I refer to your correspondence dated 20 October 2025, regarding the request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BCA):

“Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.”

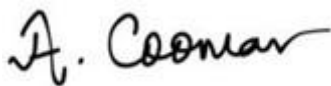
This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application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

I, as delegate of the Planning Secretary within the Development Assessment and Sustainability division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water (Director) has made the determination is attached (dated 18 November 2025).

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

Should you have any further enquiries, please contact Victor Casasanta on 02 8289 6615 or via email to victor.casasanta@dpie.nsw.gov.au.

Yours sincerely,



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

Encl: CPHR of NSW DCCEEW determination



Your ref: SSD-97528708
Our ref: DOC25/929063

Victor Casasanta
Affordable Housing Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

18 November 2025

Subject: BDAR waiver request – Mixed-use development with affordable housing at 13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington (SSD-97528708)

Dear Victor,

I refer to the 29 October 2025 request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State significant development application.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Ecoplaning dated 20 October 2025, and determine the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

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

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

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

Should you have any queries regarding this matter, please contact the Greater Sydney Planning team at rog.gsrplanning@environment.nsw.gov.au.

Yours sincerely

Louisa Clark

Director
Greater Sydney Branch
Conservation Programs, Heritage, and Regulation

encl 1. DCCEEW, CPHR determination
2. DCCEEW, CPHR recommendation report

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

I, Louisa Clark, Director Greater Sydney, of the Department of Climate Change, Energy, the Environment and Water, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that the proposed SSD-97528708 for a mixed-use development with affordable housing at 13 Gipps Street, 6 Shadforth Street and 142-148, 160 Oxford Street, Paddington is not likely to have any significant impact on biodiversity values. Therefore, a biodiversity development assessment report is not required.

Proposed development means the development as described in DOC25/929063 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



18/11/2025

Louisa Clark
Director Greater Sydney
Regional Delivery
Conservation Programs, Heritage, and Regulation Group

Date

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD-97528708 for a mixed-use development with affordable housing involving demolition, site preparation works, earthworks, construction of a mixed-use development and site amalgamation as detailed in the BDAR waiver application prepared by Ecoplaning dated 20 October 2025.

Refer to:

- Figure 1 Location Map
- Figure 2a Site Map
- Figure 2b Validated vegetation within the subject land
- Figure 3 Proposed Site Plan

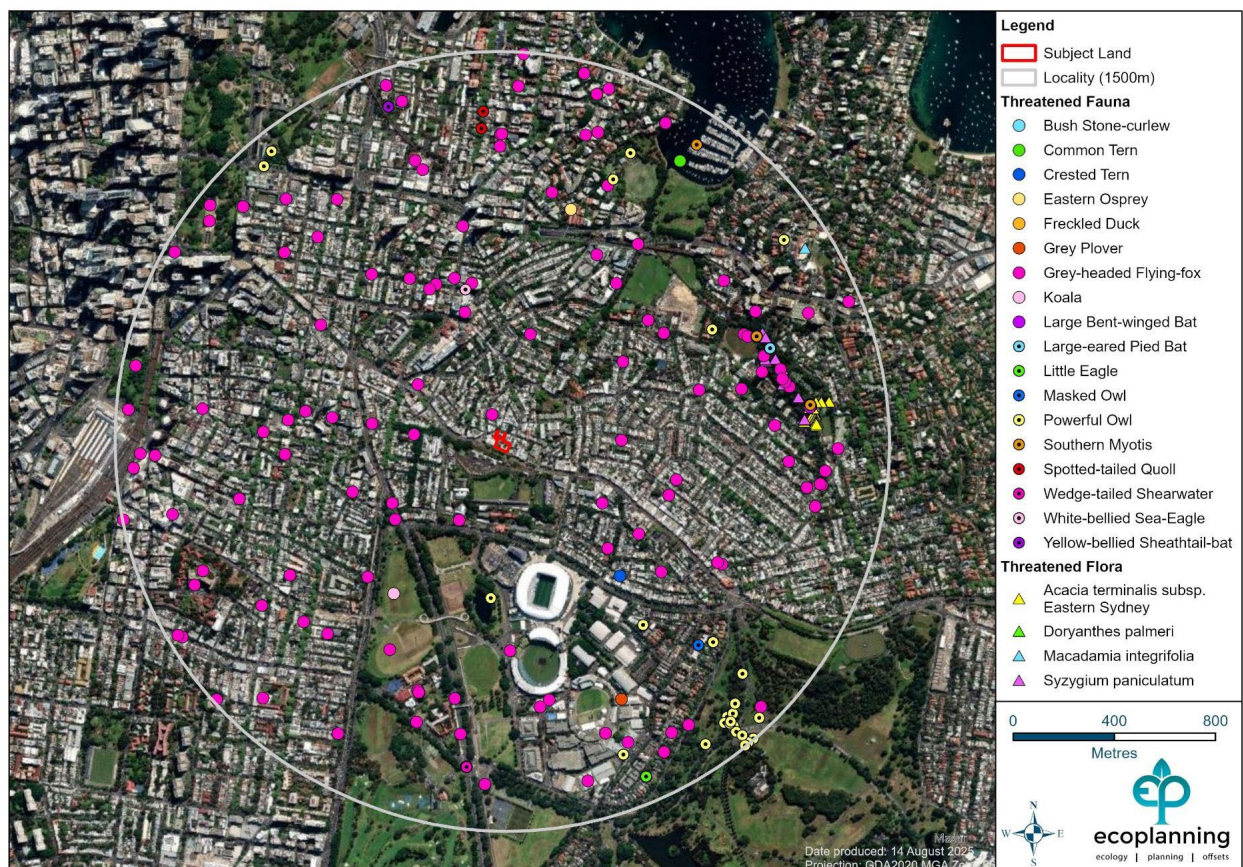


Figure 1 Location Map



Figure 2a Site Map



Figure 2b Validated vegetation within the subject land



Figure 3 Proposed Plan