



Miss Georgia McKenzie  
Urbis Pty Ltd  
C/O Wee Hur  
Level 8, 123 Pitt Street  
SYDNEY NSW 2000

2 November 2020

Dear Miss McKenzie

**90-102 Regent Street, Redfern – Student Accommodation (SSD 10382)  
Biodiversity Development Assessment Report waiver**

I refer to your correspondence seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) for the above State significant development application.

I have reviewed your request having regard to Sections 1.5 and 7.3 of the *Biodiversity Conservation Act 2016* (BC Act) and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*, and have determined that the proposed development (SSD 10382), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the NSW Environment, Energy and Science Group has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 26 October 2020 and a copy of that letter is attached.

Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed development and a BDAR is not required to accompany the SSD application.

If there are any amendments to the proposed development, this BDAR waiver determination will not be valid. You will need to either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

Should you have any further enquiries, please contact Rodger Roppolo, Key Sites Assessments, at the Department on (02) 8289 6876.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'A Witherdin'.

Anthony Witherdin  
**Director**  
**Key Sites Assessments**  
(as nominee of the Secretary)

Our ref: DOC20/827730  
Senders ref: SSD 10382 (City of Sydney)

Rodger Roppolo  
Senior Planning Officer  
Key Sites Assessments  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment  
4 Parramatta Square,  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Mr Roppolo,  
**Request for Biodiversity Development Assessment Report Waiver for Student Accommodation at 90-102 Regent Street, Redfern (SSD10382)**

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development Application for Student Accommodation at 90-102 Regent Street, Redfern.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Green Tape Solutions Ver C dated 8 October, and additional information (Microbat Inspections) prepared by Green Tape Solutions dated 22 October 2020, (Ref PR 20008 Ver D), and determined that 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 that 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 EES. The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or [Bronwyn.smith@environment.nsw.gov.au](mailto:Bronwyn.smith@environment.nsw.gov.au)

Yours sincerely



26/10/2020

**Daylan Cameron**  
**A/Director Greater Sydney**  
**Biodiversity, Conservation and**  
**Science**  
**Environment, Energy and Science**

encl 1. EES, DPIE determination  
2. EES, DPIE recommendation report

## BDAR waiver decision report

**Project Name:** Proposed Development – Student Accommodation, 90-102 Regent St Redfern

**SSI/SSD Application Number:** SSD 10382

**Proponent:** Wee Hur Capital Pty Ltd

**Date request received:** 22 October 2020

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
<b>Vegetation abundance</b>  1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	Biodiversity values are not present on the site. There is no evidence of naturally occurring native vegetation on the site. A survey for microbats within the buildings found no evidence of these bats within the buildings. Not applicable to this application.  No native vegetation occurs within the proposed development footprint. Therefore, there are no impacts to native vegetation.	This conclusion is supported. Based on aerial photos, there is unlikely to be any remnant native vegetation remaining at the site.
Vegetation integrity  1.5(2)(b) 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 a highly developed brownfield site and has been for many years. There is no native vegetation on site. Some local weeds occasionally occur in concrete cracks. There is no planted native vegetation. There are three trees on Council's footpaths, these will remain in situ during the construction of the building.	This conclusion is supported. There appears to be no vegetation on site that is in a natural state.
Habitat suitability  1.5(2)(b) BC Act 6.1(1)(a) BC Regulation	Degree to which the habitat needs of threatened species are present at a particular site	✓	The site does not support habitat for threatened species, there is a small potential for species such as the Grey-headed flying-fox and migratory birds to fly near or over the site from time to time. Non-native vegetation occurring on the site does not support habitat for threatened species. The only listed species and Matter of State Environmental Significance (MSES) recorded occurring at and near the site is the Grey-headed flying-fox. This species is nomadic an itinerant and likely feeding on local vegetation within the inner-city green zones. There are no habitat features within the development site suitable for this species. No ecological communities occur on the site or within 1km of the vicinity of the site.	This conclusion is supported, there is unlikely to be any habitat for threatened species at the site.

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
			<p>Impact from light is unlikely to increase due to the highly developed nature of the site and adjacent city infrastructure such as buildings roads and rail lines.</p> <p>Given the age and design of the buildings, a search for microbats was conducted on the 20/10/2020 for the proposed development starting at 90 regent street and moving through all parts (where possible) of each building proposed to be demolished within the block.</p> <p>The most likely microbat species which would occur in the site is Gould's wattled bat (<i>Chalinolobus gouldii</i>) a common species in Australia.</p> <p>Equipment used for the search was high power head light, binoculars, stepladder, and an Echo Meter Touch Pro Wildlife Acoustic Recorder® for bat sound recording.</p> <p>Care was taken to avoid disturbance of resting bats including feeding the echo meter/recorder into cavities to capture any bat calls and dimming of the head torch when not necessary for checking cavities.</p> <p>Suitable habitat was checked for the presence of bat scats, calls picked up by the echo meter, smell, spider webs (which were used to assess the presence of potential disturbance). No bat scats, smell or calls were found. Indications of other animals such as rats and possums were also checked for, with no rat or possum signs being apparent.</p> <p>Each room and the outside of the buildings were searched for possible bat habitat this included:</p> <ul style="list-style-type: none"> <li>• Holes in the tin roofs. A gap in the tin was spotted on building 90 from the second floor of building 92.</li> <li>• Holes in brick walls.</li> <li>• Any gap in the buildings structure that could lead outside or into roof cavities. These were plentiful in all buildings.</li> <li>• Any outside section that lead to sheltered cavities, however most had undisturbed spider webs on or in them.</li> <li>• Ventilation ducts and eaves which are in all buildings.</li> <li>• Open /damaged fireplaces/chimneys. Number 94 and 96 each had an unblocked brick chimneys possibly open to the sky.</li> <li>• Roof cavities accessed through a manhole covers. As it was not safe to climb into any of these cavities, the echo locator was used to determine if any bats were calling.</li> <li>• The backside and corners of support beams and struts. Many of these were exposed, so are poor quality habitat.</li> </ul> <p>The site search did not find any bats or evidence of bats, mice, rats, or other wildlife.</p>	

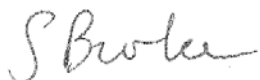
Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
			<p>However, given the age size and design of the buildings and abundance of potential habitat within the buildings for microbats, it cannot be categorically stated that there are no microbats on the site.</p> <p>Given this mitigation measures to avoid impact to native fauna, including microbats will be applied during demolition of the buildings.</p> <p>Measures may include:</p> <ul style="list-style-type: none"> <li>• Undertake a staged deconstruction process during demolition so as to not harm wildlife.</li> <li>• Engage a qualified fauna spotter catcher to assess each area before demolition and / or remove and relocate microbats into appropriate habitat should any be found during the works.</li> <li>• Allow any native fauna found in the site to self-disperse. Cease work and allow the fauna to relocate overnight.</li> </ul>	
Threatened species abundance  1.4(a) and 6.1(1)(f) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	The development will have no impact to threatened species abundance. Vehicle strikes to wildlife are not expected to increase because of the development. The development is likely to reduce traffic impacts with higher density accommodation and reduced vehicle movements within the city precinct. No vegetation community occurs in the vicinity of the site.	This conclusion is supported, it is unlikely that threatened species occur at the site.
Habitat connectivity  1.4(a) and 6.1(1)(f) BC Regulations	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 a brownfield site within a highly developed inner-city area of Sydney city. The site does not support any significant vegetation, including significant urban vegetation. Existing green zones provide some habitat connectivity within the city for common urban wildlife species. The proposed development will not impact these green zones as the development is constrained to the existing building footprint. Therefore, the proposed development shall not result in impacts to existing habitat connectivity values.	This conclusion is supported. The site does not provide connectivity to other areas.
Threatened species movement  1.4(d) BC Act	Degree to which a particular site contributes to the movement of threatened species to	✓	<p>There is a low likelihood that threatened species such as the grey-headed flying-fox and migratory birds may fly near or over the site from time to time.</p> <p>Given that the site is within a brownfield area, and the proposed development is to be constrained within the current site footprint, movement of existing threatened species around the site will not be impacted by the development.</p>	This conclusion is supported. It is unlikely that the movement of any threatened species in

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EES comment
6.1(1)(c) BC Regulation	maintain their lifecycle			the area will be impacted.
Flight path integrity  1.4(e) BC Act 6.1(1)(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	✓	There is a low likelihood that protected animals such as the Grey-headed flying-fox and migratory birds may fly near or over the site from time to time. Flight paths of protected animals within the Sydney City area are constrained due to existing high-rise development. The addition of the proposed buildings will have insignificant impact to existing flight paths for these species as the proposed 18 story building is constrained to the current brownfield site and of similar height to adjacent buildings in the precinct	This conclusion is supported, there should be no or negligible impacts on flight path integrity of any species
Water sustainability  1.4(f) and 6.1(1)(d) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	✓	There are no anticipated changes to water quality or hydrological processes as a result of the proposed development. Sewage and mains water services will be connected to the buildings in accordance with City of Sydney planning rules. The development will not affect water quality of water courses used by threatened species that may possibly occur in the area of the development site from time to time. No threatened ecological communities occur at or near the site, as such there are no possible impacts to any threatened ecological community.	This conclusion is supported, there are unlikely to be any impacts on water sustainability as a result of the proposal.

## Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
  - determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
  - ~~determines that, based on the information provided, it cannot be concluded that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



22/10/2020

Sarah Burke


Date

**Senior Team Leader, Compliance & Regulation, Greater Sydney Branch  
Environment, Energy & Science Group**

## Decision

I, Daylan Cameron, A/Director Greater Sydney, of the Department of Planning, Industry and Environment, having reviewed this report and the documents attached to it:

- A. **determine** under clause 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC20/827730 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
- B. ~~**determine** that, based on the information provided, it cannot be concluded that the proposed development as described in DOC20/827730 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



26/10/2020

Daylan Cameron

Date

**A/ Director Greater Sydney Branch  
Environment, Energy & Science Group**

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

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I, Daylan Cameron, Acting/Director Greater Sydney, of the Department of Planning, Industry and Environment, under clause 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required.

**Proposed development** means the development as described in DOC20/827730 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



26/10/2020

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Daylan Cameron  
**A/Director**  
**Greater Sydney**  
**Environment, Energy & Science Group**

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**Date**

## SCHEDULE 1 – Description of the proposed development

- Demolition of the predominantly two storey and four-storey terrace-style buildings retail/commercial and residential buildings.
- Construction of an 18-storey building comprising a total of 9,015m<sup>2</sup> gross floor area with a mix of land use activities including:
  - Ground level: 67m<sup>2</sup> of retail floorspace along the Regent Street frontage, 332m<sup>2</sup> of common space for the student accommodation along the Marian Street frontage and ancillary facilities to service both the retail and student housing components.
  - Upper levels: student accommodation providing a total of 408 beds, including a mix of single and twin occupancy studios and single rooms with ensuite bathrooms.
  - Basement level: bicycle parking, waste management facilities and on-site stormwater detention.
  - Hard and soft landscaping on the outdoor communal terrace to provide for active and passive recreation.

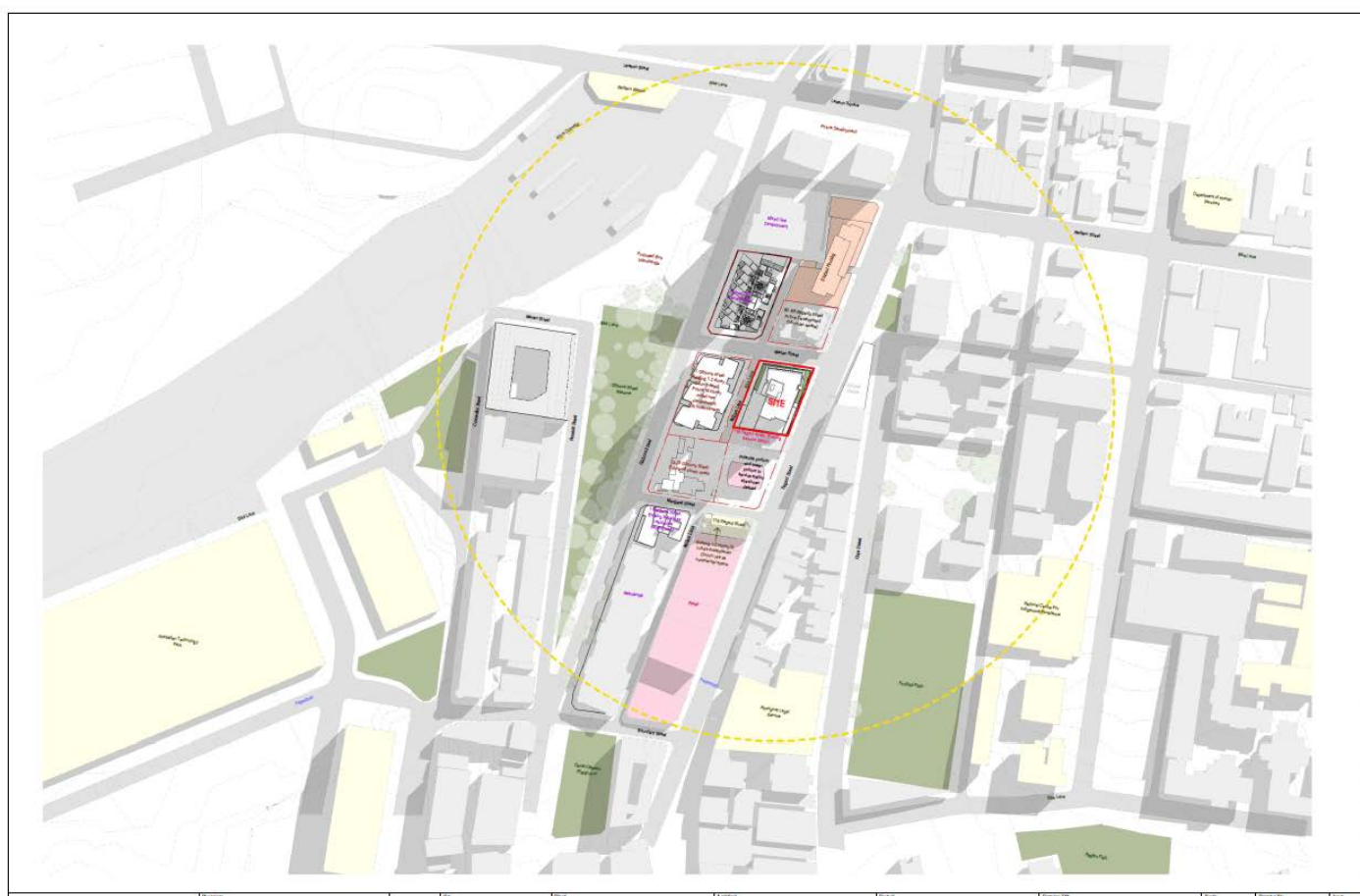


Figure 1: Location of site