

28 August 2018

218001

Ms Carolyn McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Cameron Sargent (A/Director, Key Sites Assessments)

Dear Cameron,

**Biodiversity Development Assessment Report Waiver Request
Iglu Redfern | 80-88 Regent Street, Redfern (SSD 18_9275)**

This Biodiversity Development Assessment Report Waiver Request (request) has been prepared on behalf of Iglu Pty Ltd (Iglu) in regards to a forthcoming State Significant Development Application (SSDA) for an 18-storey student accommodation facility with ground-level retail and office space at 80-88 Regent Street, Redfern (the site).

In accordance with the SEARs issued for SSD 18_9275 and the requirements of the *Biodiversity Conservation Act 2016*, an assessment of any State Significant proposal's biodiversity impacts must be must accompany the environmental impact statement (EIS) for a SSDA, including the provision of Biodiversity Development Assessment Report (BDAR) in instances where it is required.

The Department of Planning and Environment (DPE) has previously advised that in instances where it is believed that such an application is not required, a waiver should be requested from the DPE prior to lodgement of the application. Such a waiver request should contain sufficient evidence to determine whether the proposed development is likely to have a significant impact on biodiversity value including a specific assessment against the relevant Biodiversity Values contained at Clause 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

This proposal comprises the development of a mixed-use student accommodation building in an urban setting, and it is considered that the proposed development warrants the waiving of the provision of a BDAR. A specific assessment of the proposal against the relevant biodiversity values has been provided below.

Table 1 Assessment of SSD 8876 against the relevant biodiversity values

Clause	Comment
<i>Biodiversity Conservation Act 2016 – Section 1.5</i>	
<i>(a) 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</i>	There is no significant vegetation present on the site. It is noted that removal of the existing vegetation on site was approved under the preceding SSDA 7080.
<i>(b) habitat suitability – being the degree to which the habitat needs of threatened species are present at a particular site</i>	The proposed development will not affect any threatened species, as there is no habitat present at the site.
<i>(c) biodiversity values, or biodiversity-related values, prescribed by the regulations</i>	This waiver request has considered values contained within the <i>Biodiversity Conservation Act 2016</i> , as well as the values prescribed by the <i>Biodiversity Conservation Regulation 2017</i> .
<i>Biodiversity Conservation Regulation 2017 – Clause 1.4</i>	
<i>(a) threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat at a particular site</i>	The proposed site is already developed for urban purposes, has no significant existing vegetation present and is located within a highly urbanised setting.
<i>(b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site</i>	The site does not contain significant vegetation.

Clause	Comment
<i>(c) 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</i>	The proposed development is located on a site within a highly urbanised setting. The site does not connect habitats.
<i>(d) threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle</i>	The proposed development does not impede the movement of threatened species.
<i>(e) flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference</i>	The proposed development does not impede the flight paths of protected animals.
<i>(f) 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</i>	The proposed development will not result in any adverse impacts on water bodies surrounding the site, including Sydney Harbour.
Biodiversity Conservation Regulation 2017 Clause 6.1	
<i>(a) the impacts of development on the following habitat of threatened species or ecological communities:</i> <i>(i) karst, caves, crevices, cliffs and other geological features of significance,</i> <i>(ii) rocks,</i> <i>(iii) human made structures,</i> <i>(iv) non-native vegetation,</i>	The proposed development will not affect the habitat of any threatened species or ecological communities as there is no habitat present at the site.
<i>(b) the impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range</i>	The proposed development is located on a site within a highly urbanised location. The site does not connect habitats.
<i>(c) the impacts of development on movement of threatened species that maintains their lifecycle,</i>	The proposed development does not impede the movement of threatened species.
<i>(d) the 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),</i>	The proposed development will not result in any adverse impacts on water bodies surrounding the site, including Sydney Harbour.
<i>(e) the impacts of wind turbine strikes on protected animals,</i>	There are no wind turbines proposed as part of this application.
<i>(f) the impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community</i>	The site does not contain natural habitat, therefore threatened species are not travelling to or from the site.

Overall, it is considered that the proposed development will not result in any significant impact on biodiversity values, and that a waiver to the requirement for a BDAR can therefore be provided in accordance with Section 7.9(2) of the *Biodiversity Conservation Act 2016*.

We trust that the above information is sufficient in order for the DPE to consult with the Office of Environment and Heritage and provide a waiver to the requirement for a BDAR to accompany the EIS for this project. If you wish to discuss this matter further, please do not hesitate to contact the undersigned on 9956 6962 or at moliver@ethosurban.com.

Yours sincerely,



Michael Oliver
Associate Director, Planning
9956 6962
moliver@ethosurban.com



Mr Tim Farrel
Iglu Pty Ltd
Level 4, 68 York Street
Sydney NSW 2000

Dear Mr Farrel

SSD 9275 Mixed Use Student Accommodation, 80-88 Regent Street, Redfern - Request to waive the requirement for a Biodiversity Development Assessment Report

I refer to your request prepared by Ethos Urban dated 16 August 2018 and further information dated 28 August 2018 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for Mixed Use Student Accommodation at 80-88 Regent Street, Redfern (SSD 9275).

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

"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."

The power to determine whether a SSD proposal is *"not likely to have any significant impact on biodiversity values"* (on behalf of the *Planning Agency Head*) has been delegated to Director level within the Planning Services Division of the Department of Planning and Environment (the Department).

I have reviewed your request and the additional information provided on 28 August 2018 having regard to sections 1.5 and 7.3 of the BC Act and clauses 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017*. I consider that the proposed development is not likely to have any significant impact on biodiversity values and therefore it is not necessary to submit a BDAR as part of the SSD application.

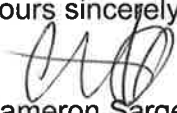
The delegated *Environment Agency Head* in the Office of Environment and Heritage has been consulted and on 4 September 2018 confirmed that the proposed development is not likely to have any significant impact on biodiversity values. A copy of this letter is attached for your reference.

Therefore, under section 7.9(2) of the BC Act, the requirement to submit a BDAR has been waived for the proposed SSD 9275.

This waiver is issued in respect of the proposed development detailed in a request for SEARs dated 12 April 2018. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Karl Fetterplace, Senior Planner, Key Sites Assessments, at the Department on (02) 9274 6263.

Yours sincerely

 s/a/18
Cameron Sargent

Acting Director

Key Sites Assessments

as delegate of the Secretary



DOC18/601262
SSD 9275

Karl Fetterplace
Senior Planning Officer – Key Sites Assessments
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

**Request for Biodiversity Development Assessment Report waiver for Student
Accommodation at 80 – 88 Regent Street, Redfern (SSD 9275)**

Dear Mr Fetterplace,

The Office of Environment and Heritage (OEH) has reviewed the request from Ethos Urban dated 16 August 2018 and amended on the 28 August 2018, to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State significant development application.

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

“Any such application [SSD] 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.”

The power to determine whether an SSD is “*not likely to have any significant impact on biodiversity values*” has been delegated to the OEH Senior Executive on 4 December 2017.

I have reviewed the assessment of the biodiversity values of the site as described in the amended documentation submitted on the 28 August 2018. I have determined that the proposed development is not likely to have any significant impact on biodiversity values and that there is no need for the SSD application to include a BDAR.

Please contact Svetlana Kotevska on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au should you have any further queries regarding this matter.

Yours sincerely

03/09/2018

ALEX GRAHAM
Director - Greater Sydney
Communities and Greater Sydney Division