Level 3 101 Sussex Street Sydney NSW 2000
t: (02) 9529 3800

15 March 2019

Our ref: 19SYD - 12750

Golden Age and Hannas The Rocks
Level 32, 264 George Street, Sydney 2000

Attention: Andrew Melhem

Dear Andrew,

RE: Ecological Assessment – Modification to SSD_7037 MOD 2

Eco Logical Australia (ELA) was engaged by Golden Age and Hannas The Rocks to undertake an ecological assessment for a modification application for the proposed mixed-use development located at 85 Harrington Street and 66-68 & 70-72 Gloucester Street, The Rocks. The proposal is a State Significant Development (SSD) under the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

The project will require the removal of eight juvenile *Platanus x acerifolious* (London Plane Tree) from Gloucester Street (Figure 1 and Figure 2). In accordance with Clause 7.17(2)(c) of the *Biodiversity Conservation Act 2016* (BC Act), an application for the modification of a State Significant Development is not required to submit a Biodiversity Development Assessment Report (BDAR) *'if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values'*.

As required by the Office of Environment and Heritage (OEH) (correspondence between OEH and the proponent on the 27 February 2019), the proponent is required to address the BC Act and its relation to the proposed development modification, in particular, Sections 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation) and Sections 1.5 and 6.3 of the BC Act. Biodiversity values are defined in section 1.5(2) of the BC Act 2016. ELA has considered whether the modification will impact on biodiversity values (Table 1) and concludes that the modification will not increase the impact on biodiversity values.

Regards,

Rebecca Ben-haim
Environmental Consultant

Table 1 Criteria to assess biodiversity under the BC Act and BC Regulation

Legislation Criteria	Discussion of values within subject site
	Biodiversity Conservation Act (Clause 1.5)
2 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;	Due to previous and current land management practices, vegetation and soil within the subject site had been highly modified or disturbed and lacks any natural resilience. Vegetation within the site is composed of exotic trees planted as landscape features in a sealed footpath. The plants are not consistent with any remnant native vegetation community or listed Plant Community Type (PCT) in the BioNet Vegetation Classification. No Threatened Ecological Communities will be impacted. The trees requiring removal as part of the modification include eight juvenile exotic species (*Platanus x acerifolious* (London Plane Tree) (Figure 2). These trees are not representative of any remnant PCTs that would have been present within the development and therefore their removal does not compromise the vegetation integrity of the site.
b) Habitat suitability – being the degree to which the habitat needs of threatened species are present at the particular site;	Suitable habitat for threatened species is highly limited within the site. No habitat is available for any threatened flora species. No foraging habitat is available for any threatened fauna species. Considering the small amount of isolated exotic vegetation present the site does not contain sufficient foraging resources to sustain any threatened fauna species. No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of hollow-bearing trees. The human made structures present within the study area are modern and do not consist of potential roosting habitat for threatened micro bat species such as open roof crevices, culverts, bridges, railway tunnels or stormwater tunnels. The removal of the eight exotic trees will not compromise habitat suitability for threatened species.
	Biodiversity Conservation Act (Clause 6.3)
a) the impacts of the clearing of native vegetation and the loss of habitat	The proposed development modification will not impact on any native vegetation.
(b) the impacts of action that are prescribed by the regulations.	Impacts of actions that are prescribed by the regulations are addressed below.
	Biodiversity Conservation Regulation (Clause 1.4)
a) Threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	No threatened ecological communities were present within the site. The small amount of vegetation present is Urban Exotics and is not consistent with any listed Plant Community Type (PCT). No habitat was available for threatened flora species due to the high level of modification of vegetation and soils within the site. No threatened fauna species were observed within the site during the site survey. No foraging habitat is available to any fauna species. Considering the lack of native vegetation present, the site does not contain sufficient foraging resources to sustain any threatened fauna species. No roosting habitat is available within the subject site for hollow-dependent threatened fauna species due to the absence of hollow-bearing trees.

Legislation Criteria	Discussion of values within subject site
	The removal of eight exotic trees will not affect threatened species.
b) Vegetative abundance – being the occurrence and abundance of vegetation at a particular site;	Vegetation within the subject site is of very low abundance and biodiversity quality. The majority of the site is composed of buildings, roads and carparks which contained little to no vegetation. Vegetation within the site was composed of exotic planted trees. Vegetation within the site is not consistent with any remnant native vegetation communities and did not conform to any listed Plant Community Types (PCTs).
c) Habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate movement of those species across their range;	Vegetation within the site is highly fragmented and does not contribute to habitat connectivity across the local landscape (Figure 1). Vegetation is limited to individual planted trees distributed through the site between buildings and along the road. Movement of threatened species across the site would be limited by the existing multistorey buildings and complete lack of vegetation connectivity. The site does not provide any significant level of connectivity to facilitate movement of threatened species across their range.
d) Threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle;	The site contains minimal vegetation which is fragmented by buildings, roads and fencing. Movement for less mobile threatened fauna such as mammals across the site is highly unlikely due to existing development within the site. Opportunities for movement across the site for mobile threatened fauna including birds and bats are available, however limited to multi-storey buildings and sparse very vegetation. The site is not considered to be significant for the movement of any threatened species to maintain their lifecycle.
e) Flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference; and	The landscape within and surrounding the site is highly urbanised, with several multi-storey buildings present within the site. The flight paths of protected animals over the site are currently restricted due to existing buildings and unlikely to be further impacted by the proposed project. The removal of eight exotic trees will not significantly affect flight paths of protected animals.
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.	No natural water courses are present within the site. In its current state, the site is highly developed and does not contain water bodies or contribute to hydrological processes that sustain threatened species or ecological communities within or adjacent to the site. The removal of the eight exotic trees will not impact on water quality, water bodies or hydrological processes.
	Biodiversity Conservation Regulation (Clause 6.1)
a) the impacts of development on the following habitat of threatened species or ecological communities: *(i) karst, caves, crevices, cliffs and other geological features of significance,* *(ii) rocks,* *(iii) human made structures,* *(iv) non-native vegetation*	The proposed development will not impact on any karst, caves, crevices, cliffs or any other geological features of significance, nor will it impact on any rocks. No human made structures, which may provide potential roosting habitat for threatened species, such as open roof crevices, culverts, bridges, railway tunnels or stormwater tunnels, are present within the study area. Furthermore, the London Plane Tree does not provide flowering fruit. Therefore, is unlikely to provide potential foraging resources for threatened fauna species. Due to the built-up nature of the locality, heavy vehicular traffic load and lack of vegetation, the study area is unlikely to support any threatened flora and fauna species.

Legislation Criteria	Discussion of values within subject site
(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,	Vegetation within the site is highly fragmented and does not contribute to habitat connectivity across the local landscape. Vegetation is limited to individual juvenile planted trees distributed through the site between buildings and along the road. Movement of threatened species across the site would be limited by the existing multistorey buildings and complete lack of vegetation connectivity. The site does not provide any significant level of connectivity to facilitate movement of threatened species across their range.
(c) the impacts of development on movement of threatened species that maintains their lifecycle,	The site contains minimal vegetation which is fragmented by buildings, roads and fencing. Movement for less mobile threatened fauna such as mammals across the site is highly unlikely due to existing development within the site. Opportunities for movement across the site for mobile threatened fauna including birds and bats are available, however limited to multi-storey buildings and sparse very vegetation. The site is not considered to be significant for the movement of any threatened species to maintain their lifecycle.
(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),	No natural water courses are present within the site. In its current state, the site is highly developed and does not contain water bodies or contribute to hydrological processes that sustain threatened species or ecological communities within or adjacent to the site. The removal of the eight juvenile exotic trees will not impact on water quality, water bodies or hydrological processes.
(e) the impacts of wind turbine strike on protected animals,	The development of wind turbines is not proposed within this development modification.
(f) the impacts of vehicle strike on threatened species of animals or on animals that are part of a threatened ecological community.	The site contains minimal vegetation which is fragmented by buildings, roads and fencing and is already highly urbanised. Impacts of vehicle strikes on threatened species would therefore not increase as a result of the proposed development modification.

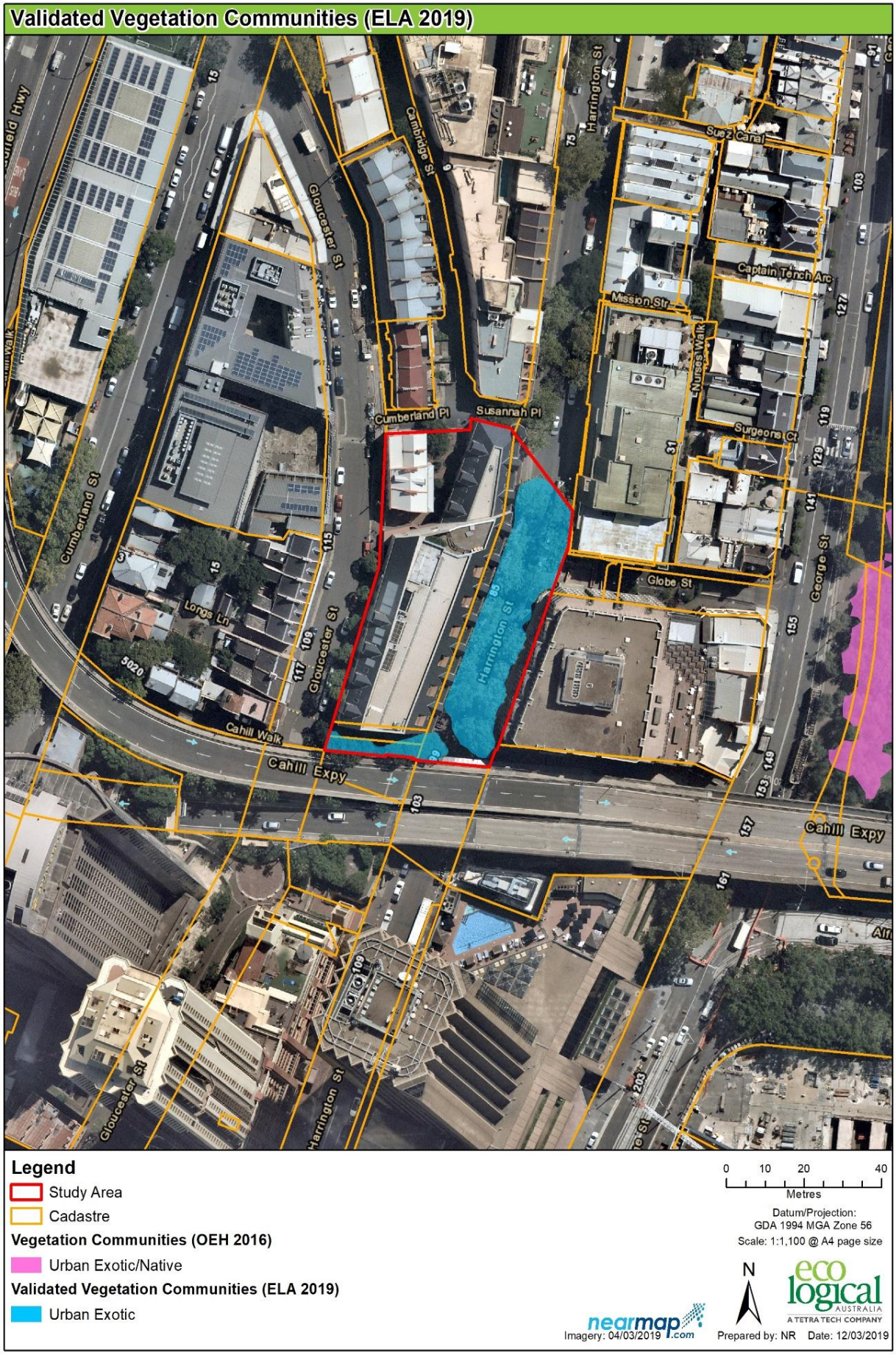

Figure 1: Location of the study area and vegetation communities within the locality (OEH, 2016; ELA, 2019)

Figure 2: Juvenile London Plane Tress present within the study area, proposed for removal