

12 March 2020

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Mr Jim Betts
Secretary
Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Mr Betts,

Biodiversity Assessment Waiver Request New Hotel Development – 50-52 Phillip Street, Sydney

This Biodiversity Assessment Waiver Request has been prepared on behalf of Built Pty Ltd (Built) in regard to a forthcoming State Significant Development (SSD) Development Application (DA) for a new hotel at 50-52 Phillip Street, Sydney. In accordance with the *Biodiversity Conservation Act 2016*, an assessment of any State Significant proposal's biodiversity impacts must be undertaken as part of any SSD DA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required.

The Department of Planning, Industry and Environment (DPIE) has advised that in instances where it is believed that a BDAR is not required, a waiver should be requested from the DPIE 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 values, including a specific assessment against the relevant Biodiversity Values contained at Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*.

Given that this proposal comprises a historically cleared site with long-term buildings and improvements in a highly urbanised setting, being the Sydney Central Business District (CBD) (as shown at **Figure 1** below), it is considered that the proposed development warrants the waiving of the requirement to prepare a BDAR.



 The Site

 NOT TO SCALE

Figure 1 Aerial photograph

Source: Nearmap

An assessment of the proposal against the relevant biodiversity values has been provided below in **Table 1**.

Table 1 Assessment of proposal 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>	The site has been used for urban purposes for many decades, emphasised by the heritage listed building which is believed to have been constructed in 1873. The site does not contain any vegetation and is located in the highly urbanised Sydney CBD.
<i>(b) habitat suitability – being the degree to which the habitat needs of threatened species are present at a particular site</i>	The site is highly built up and does not contain any vegetation.
<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 site is located in the Sydney CBD and does not contain any vegetation, therefore threatened species habitat is not anticipated on the site.
<i>(b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site</i>	The site is located in the Sydney CBD and does not contain any vegetation.
<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 site is located in the Sydney CBD and does not contain any vegetation, therefore habitat connectivity is not a consideration for the site.
<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 site is located in the Sydney CBD and does not contain any vegetation, therefore threatened species movement is not a consideration for the site.
<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>	There is no indication that the flight paths of any protected species will be interfered with by the proposal.
<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 in the vicinity of the site.

Overall, it is considered that the proposed development will not result in any significant impact in regards to the biodiversity values contained above, and that a waiver to the provision of a BDAR can therefore be provided. We trust that the above information is sufficient in order for the Department to provide a waiver from the requirement to prepare a BDAR. If you wish to discuss this matter further, please do not hesitate to contact the undersigned.

Yours sincerely,

Brendan Hoskins
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