

Ms Amy Watson
Team Leader, Key Sites Assessment
Department of Planning & Environment

C/- Aqualand B Development Holding Pty Ltd

Attention: Nicholas D'Ambrosio
Via Email: nicholas.dambrosio@aqualand.com.au

AEP Ref: 2655

7 July 2022

Dear Nick,

BDAR Waiver Request Letter
Central Barangaroo Project, Sydney NSW.

As requested, AEP herewith present a Biodiversity Development Assessment Report (BDAR) Waiver Request for the above project.

As per Departmental advice, any request for a BDAR waiver must include:

a) Applicant name and contact details

Applicant: Aqualand B Development Holding Pty Ltd
Contact: Rod McCoy
rod.mccoy@aqualand.com.au

b) Project ID (Information to identify which SSD or SSI project the request relates to and where the project is up to in the assessment process)

SSDA for early works 02 - bulk excavation, retention wall and site establishment works.

The assessment herewith has considered the entirety of the Central Barangaroo holding (lands controlled by Aqualand B Development Holding Pty Ltd and Infrastructure NSW), and hence this BDAR Waiver request will be relevant to any application within the site.

c) A description of the development site and Site Map

&

d) A description of the proposed development and Proposed Site Plan

Overview of Proposed Development

The proposed SSDA will seek approval for early works associated with the future mixed-use development within Central Barangaroo (refer MP06_0162). Specifically, the objective of the proposal is to undertake bulk excavation, site establishment works, install associated rock anchors and a perimeter retention wall, and conduct remediation and archaeological investigations within the site.

These works will enable the provision for a future basement, consistent with the parameters of the Concept Approval MP06_0162, and include:

- Establish the site and installation of temporary plant and machinery, including dewatering and bentonite slurry plant and ancillary services;
- Construction of perimeter retention wall, including any required excavation, associated rock anchors and foundation piling;
- Associated remediation and Archaeological investigations in the area of excavation and works;
- Provision for future services;
- Associated “tie-in” works to Metro Interface Wall and the secant pile wall proposed under SSD-39587022; and
- Bulk excavation for the provision of a future basement and associated rock anchors for main body of the site (including the area of SSD-39587022 which was not excavated).

The proposed early works, including bulk excavation, are being sought for the purposes of constructing a perimeter retention wall, provision of future services, archaeological test trenching, site remediation works and provision for a future basement.

The design of the proposed basement and buildings will be subject to separate future detailed SSDA(s) for the purposes of commercial, retail and public open space uses consistent with the Concept Plan Approval.

Precinct Plan

The development shall comprise of two distinct, but fully connected and integrated precincts (refer Figure 1).



Figure 1 – Site Locality Context Plan

Building Plan

The development shall comprise of 8 separate buildings that must be designed as a composition (refer Figure 2 & 3).

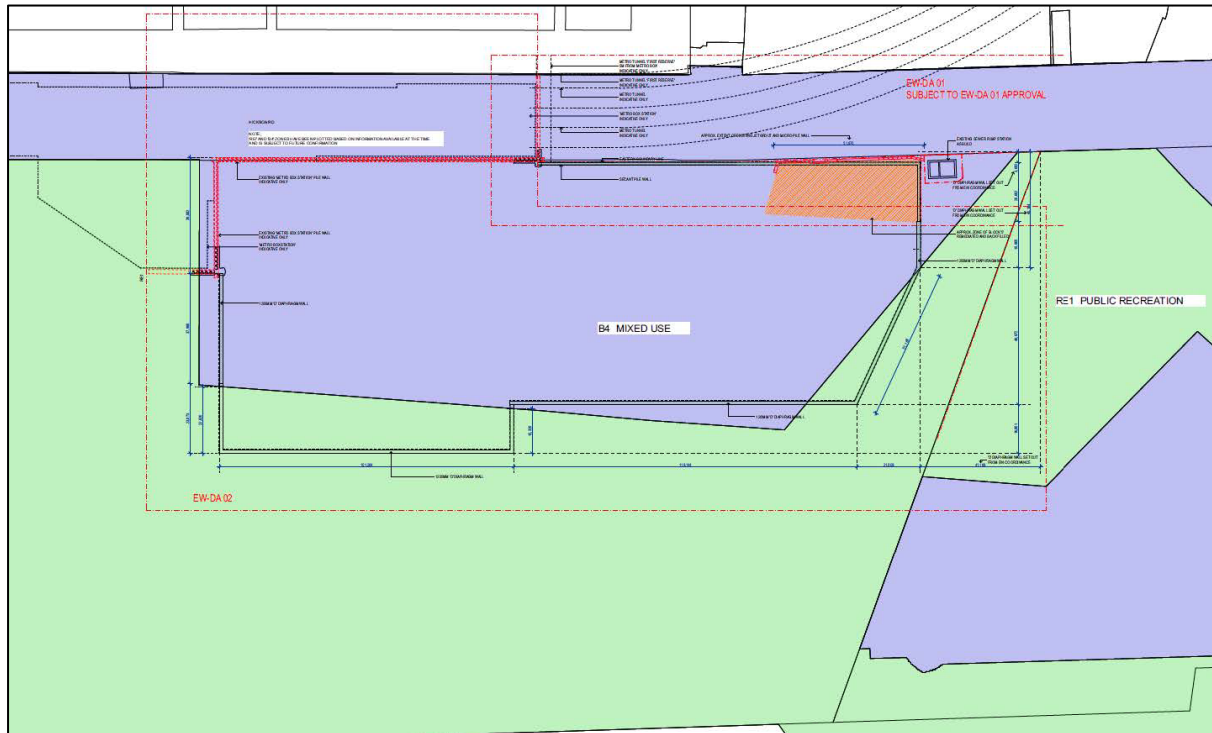


Figure 2 – Location of the Proposed Wall within the Broader Central Barangaroo

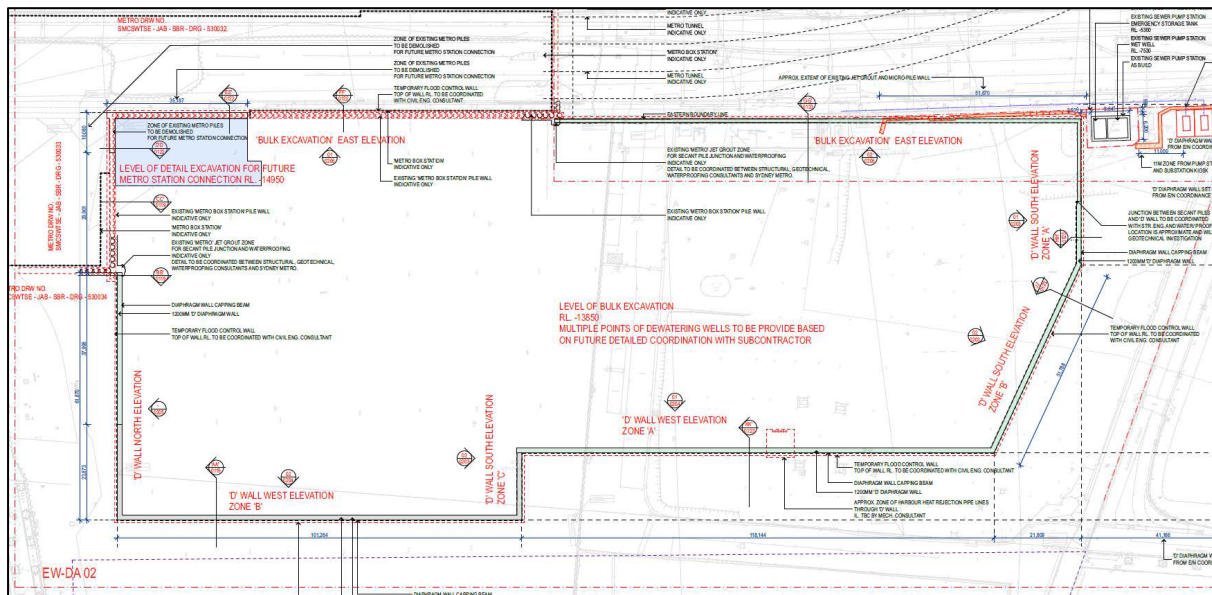


Figure 3 – Extent of Proposed Wall

e) An explanation of why the proposed development is not likely to have any significant impacts on biodiversity values.

Impacts on Biodiversity Values from the Proposed Development			
Biodiversity values	Meaning	Relevant (✓ or NA)	Explain and document significance of likely impacts
Vegetation integrity	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	✓	<p>There are no remnant native vegetation communities on this highly altered inner-city site. The site is reclaimed land that has been capped with concrete, and was formally used for many years for stevedoring purposes.</p> <p>The only vegetation present is opportunistic common and pest weed species.</p> <p>Site photos are attached to this report.</p>
Habitat suitability	Degree to which the habitat needs of threatened species are present at a particular site	✓	<p>As per above, the site contains no remnant native vegetation communities.</p> <p>The site offers minimal to nil viable habitat for threatened species, and indeed for all but the most hardy and tolerant of native species.</p>
Threatened species abundance	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	<p>Whilst it is possible that highly mobile threatened species could visit the site on a seasonal basis, such use if at all is likely to be very limited, and certainly such species would not be dependent on any habitat or resources present.</p>
Vegetation abundance	Occurrence and abundance of vegetation at a particular site	✓	<p>No remnant native vegetation remains on site, and hence no native vegetation communities will be affected by the proposal.</p>
Habitat connectivity	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range	✓	<p>The site is not part of any habitat connection and is highly unlikely to act as such for any threatened species.</p> <p>Only highly mobile threatened species could realistically visit the site, and such mobility enables the wider urban matrix and proximate treed areas (e.g parks, gardens) to be accessed.</p>
Threatened species movement	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	<p>The site is highly unlikely to contribute in any way to threatened species movements.</p>

Impacts on Biodiversity Values from the Proposed Development			
Biodiversity values	Meaning	Relevant (✓ or NA)	Explain and document significance of likely impacts
Flight path integrity	Degree to which the flight paths of protected animals over a particular site are free from interference	N/A	Development as proposed will not affect any flight path integrity for protected animals.
Water sustainability	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	N/A	<p>The site sits adjacent to the estuarine waters of Darling Harbour. No works are proposed that will negatively impact on Darling Harbour, and geotechnical engineering features such as bentonite walls will ensure that site excavation will not create unintended site hydrological connection to the Harbour.</p> <p>Dewatering works of any excavated area on site will involve water filtration and strict adherence to EPA water quality guidelines before any releases to the Harbour occurs.</p>

f) Any supporting documentation required to explain the likely impacts on any biodiversity values relevant to the development site.

As outlined above, the site currently contains minimal to nil opportunities for threatened species.

The absence of both remnant native vegetation communities, and habitat resources that may potentially be important to threatened species, shows that no relevant thresholds under the Biodiversity Conservation Act would be triggered to cause the need for a BDAR to be prepared.

This can be evidenced by further analysis of the Biodiversity Offsets Scheme set thresholds as presented below:

1. Biodiversity Values Land Map

As can be seen on the BVL Map extract (refer **Figure 4**; dated 7/7/2022), the site does not contain areas mapped as BV Lands.

Therefore, BVL Threshold not triggered.



Figure 4 – Biodiversity Value Map

2. Area Clearing Threshold

The relevant clearing thresholds as per the BC Act Regulations are (refer **Table 1**):

Table 1 – Area Clearing Thresholds (BC Act)

Minimum lot size	Threshold for clearing, above which the BAM and offsets scheme apply
< 1ha	>0.25ha
1ha to <40ha	>0.5ha.
40ha to <1000ha	>1.0ha
>1000ha	>2ha

The size of the subject lot is 5.2ha.

The relevant site Area Clearing Threshold in this instance is 0.5ha (refer **Attachment A**; BOSET report dated 7/7/22).

As outlined above, there is no remnant native vegetation existing on site.

As such, the Area Clearing threshold is not triggered.

3. Test of Significance

BC Act s7.3

Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

- a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction;***

The information presented in the report herewith clearly shows that the site contains no native vegetation, and minimal to nil habitat resources for threatened species. These resources are not notably important to any threatened species in a wider urban landscape matrix.

As such, it is unlikely that a viable local population of any threatened species is likely to be placed at risk of extinction.

- b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity;***

- i. *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction; or***
- ii. *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.***

Not applicable, no EEC vegetation present.

- c) *in relation to the habitat of a threatened species or ecological community:***

- i. *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity; and***

No native vegetation or habitat of not occurs within the site, and as such the site is considered very unlikely to be notable habitat for any threatened species.

- ii. *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity; and***

Due to location in the urban environment, the site is essentially isolated except for highly mobile species. Movements of such species would not be notably impacted by proposed development. Ultimate landscaping of the site will provide new potential habitat and 'stop-over' opportunities for mobile species.

- iii. *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality;***

The habitat present is not considered important.

- d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly);***

No part of the site or surrounds is a declared area of outstanding biodiversity value.

- e) **whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process;**

No Key Threatening Processes are of notable relevance to the site and proposed development.

As such, no significant impacts will result as per Section 7.3 of the BC Act, and as such the Test of Significance threshold is not triggered.

Summary:

The information presented in the report clearly shows that no threatened species, ecological communities and/or their habitats will be notably affected by the development as proposed.

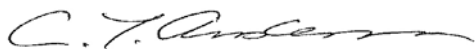
Conversely, the development provides the catalyst for undertaking urban renewal including significant landscaping and opportunities for reintroduction of biodiversity to a currently barren site.

Based on the information presented herewith, we seek Department of Planning & Environment agreement to a BDAR Waiver for all development applications associated with the Central Barangaroo site.

Should you require any further details or clarification, please contact the writer.

Yours faithfully,

Anderson Environment & Planning



Craig Anderson

Director

Biodiversity Accredited Assessor BAAS: 17002

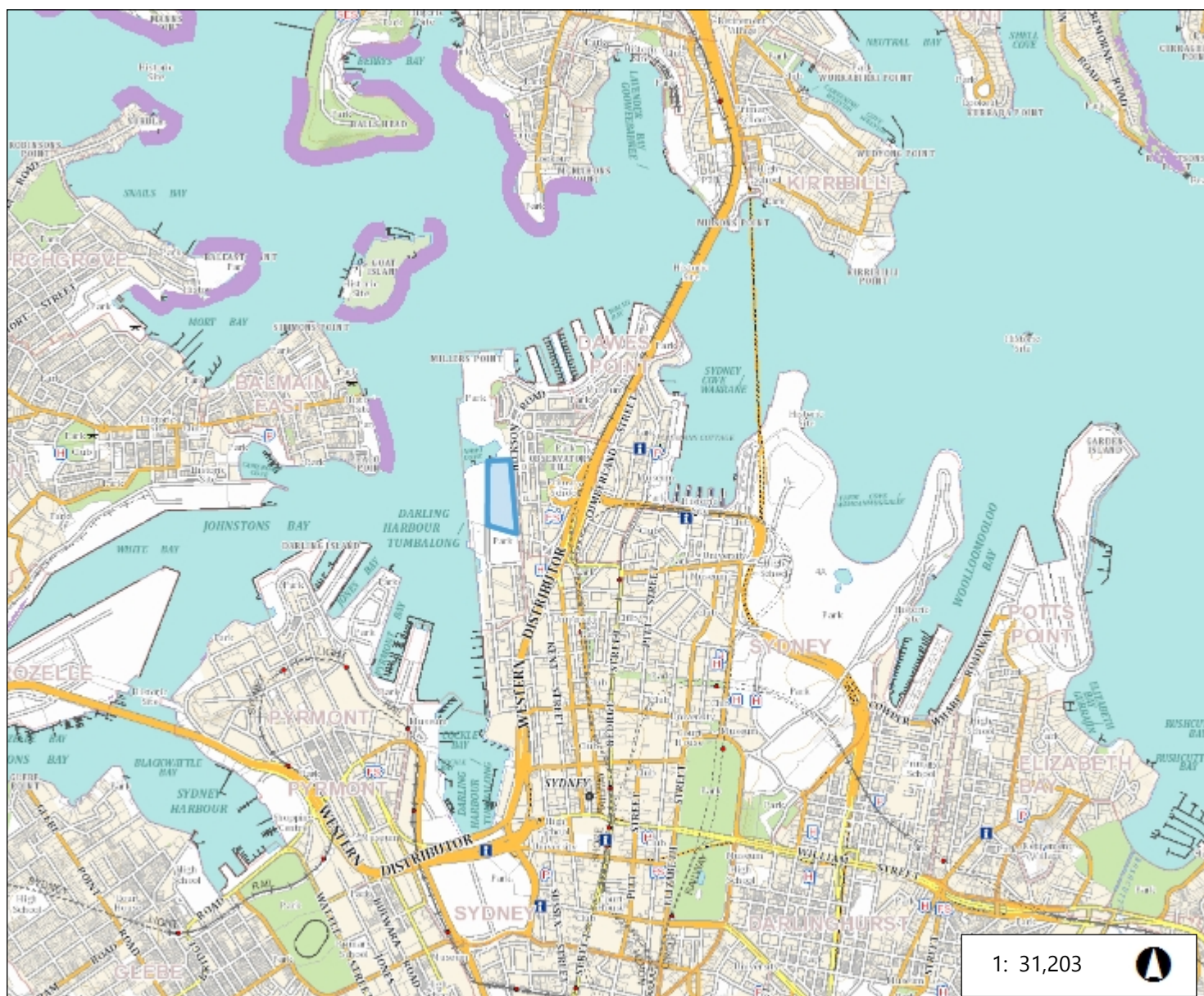


Attachment A – BOSET Report

Attachment B – Site Photos

Attachment A – BOSET Report

Biodiversity Values Map



1,585.1 0 792.56 1,585.1 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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Biodiversity Values Map and Threshold Report

Results Summary

Date of Calculation	07/07/2022 10:40 AM	BDAR Required*
Total Digitised Area	31,110.1 sqm	
Minimum Lot Size Method	Lot size	
Minimum Lot Size 10,000sqm = 1ha	131,555 sqm	
Area Clearing Threshold 10,000sqm = 1ha	5,000 sqm	
Area clearing trigger Area of native vegetation cleared	Unknown [#]	Unknown [#]
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	N/A	

*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BMAT user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Department of Planning and Environment and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature _____ Date: 07/07/2022 10:40 AM

Attachment B – Site Photos



Plate 1 - View from approximate centre of site looking south-east.



Plate 2 - View from north-eastern corner looking into the centre of the site.



Plate 3 - View from eastern boundary looking west to Darling Harbour.