

5 July 2019  
2190278

Jim Betts  
Secretary  
NSW Department of Planning, Industry and Environment  
320 Pitt Street,  
SYDNEY NSW 2000

Dear Mr Betts,

## Biodiversity Development Assessment Report Waiver Request 1 Lawson Square, Redfern

This Biodiversity Development Assessment Report Waiver Request (request) has been prepared on behalf of Lawson Square Pty Ltd in regards to a forthcoming State Significant Development Application (SSDA) for alterations and additions to a commercial tower known as 'Tower 1' at 1 Lawson Square, Redfern (the site).

In accordance with the requirements of the *Biodiversity Conservation Act 2016*, an assessment of any State Significant proposal's biodiversity impacts must accompany the environmental impact statement (EIS) for an SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required. If a BDAR is not required, the Department of Planning, Industry and Environment (DPIE) specifies that a waiver request is to be provided justifying why an SSDA is unlikely to have a significant impact on biodiversity values. It has previously been advised that this is to be demonstrated through 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 alterations and additions to an existing commercial tower 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 is provided in **Table 1** 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.
<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 high density urban setting.
<i>(b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site</i>	The site does not contain significant 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 part of a high density urban setting. There is no vegetation on site that connects habitats.

Clause	Comment
<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 will 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 will 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, it is located in a high density urban setting and is not proximate to any water bodies.
Biodiversity Conservation Regulation 2017 Clause 6.1	
<i>(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,</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 high density urban 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 will 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, given it is not in the vicinity of water bodies.
<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 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 DPIE 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 [jmurray@ethosurban.com](mailto:jmurray@ethosurban.com).

Yours sincerely,



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