



Mr Rob Battersby
Consultant
Far East Rocks Pty Ltd
Level 8, 123 Pitt Street,
Sydney NSW 2000

Our ref: SSD-32766230

12 January 2023

Dear Mr Battersby,

Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report

I refer to your application dated 24 November 2022 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for 35-55 Harrington Street, The Rocks (SSD 32766230).

Far East Rocks Pty Ltd is seeking consent to demolish the existing mixed-use building at 35-55 Harrington Street (known as the 'Clocktower Building') and construct a new eight storey hotel with ground floor retail. No works are proposed to the adjoining building at 75 Harrington Street (known as the 'Rendezvous Hotel').

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 the biodiversity values".

This letter is to confirm that the Secretary of the Department of Planning and Environment has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

I, as Delegate of the Secretary within Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination attached dated 12 January 2023). Evidence that the Delegate of the Secretary within the Environment and Heritage Group (Acting Director of the Greater Sydney Branch) has made the determination is also attached (dated 11 January 2023).

If there are any amendments to the proposed development, a new request for a BDAR waiver determination will be required or a BDAR may need to be prepared.

Should you have any further enquiries, please contact Anna Nowland, Planning and Assessment, at the Department on (02) 9585 6666.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'A. Witherdin', with a stylized flourish at the end.

Anthony Witherdin

Director

Key Sites Assessments

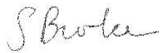
(as delegate of the Secretary)

Encl: 1. Determination, Department of Planning and Environment, (delegated position within Environment and Heritage Group)
2. Determination, Department of Planning and Environment, (delegated position within Planning and Assessment Division)

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Sarah Burke, A/Director Greater Sydney, of the Department of Planning and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required.

Proposed development means the development as described in DOC22/1115032-1 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



11/01/23

Sarah Burke
A/Director
Greater Sydney
Environment and Heritage Group

Date

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) seeks approval for the redevelopment of 35-55 Harrington Street Sydney which involves:

- Demolition of the existing mixed-use building (referred to as the ‘Clocktower’ building) and site features;
- Construction of a new eight (8) storey hotel accommodation building comprising:
 - Two (2) levels of retail and commercial land uses at the ground level and first floor level
 - Five (5) levels of hotel accommodation, providing a total of 206 hotel rooms
 - One (1) level of roof-top space
- Establishment of new publicly accessible through-site links;
- Alterations to the existing basement car park to upgrade to contemporary code compliance;
- Public domain improvements, including three (3) new public spaces, landscaping, and paving; and
- Ancillary works, including site services.

The submitted BDAR Waiver report advises no native vegetation occurs on the development site. As such no native vegetation is permitted to be removed under this BDAR Waiver. It is important to note that this BDAR Waiver does not address any potential impacts to adjacent street trees.

The extent of the development site as shown in the submitted BDAR Waiver Report for 35-75 Harrington Road, is shown in Figures 1 and 2 below.

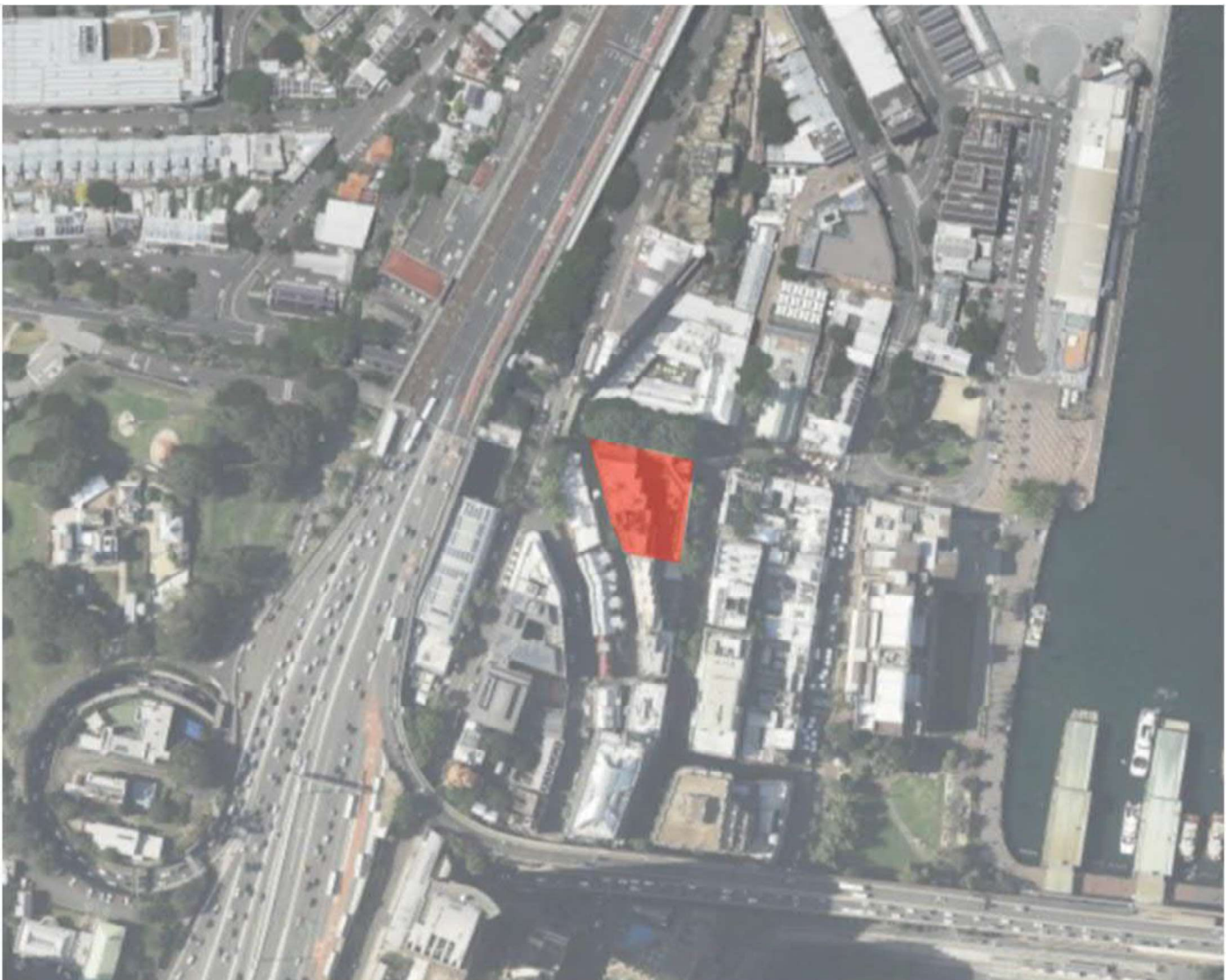


Figure 1: Extent of the development site



Figure 2: Location of the Site showing surrounding area

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Anthony Witherdin, Director Key Sites Assessments, of the Department of Planning and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required

Proposed development means as detailed in the BDAR waiver application dated 24 November 2022. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

If you do not lodge the development application related to this determination for the proposed development within 2 years of the issue date of this determination, you must either prepare a BDAR or lodge a new request to have the BDAR requirement waived.



**Director
Key Sites Assessments
Planning and Assessment
Department of Planning and Environment**

Date: 12 January 2023

(as delegate of the Secretary)