

13 December 2019

17632

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

Dear Mr Betts,

**RE: BIODIVERSITY ASSESSMENT WAIVER REQUEST
HOTEL AND RESIDENTIAL SUBDIVISION, BARANGAROO SOUTH**

This Biodiversity Assessment Waiver Request (request) has been prepared on behalf of Crown Hotel Resort (Crown). Crown intends to lodge a new State Significant Development Application (SSDA) for the stratum subdivision of the Crown Sydney Resort (approved under SSD6957 on 28 June 2016). This SSDA will seek consent for the subdivision of the hotel and residential components at the Crown Sydney Resort at Barangaroo South (the site). This letter accompanies a request for the Secretary's Environmental Assessment Requirements (SEARs).

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 Biodiversity Development Assessment Report (BDAR) in instances where it is required.

The proposed development relates to stratum subdivision works only and does not propose any physical works. The Crown Sydney Hotel Resort site is currently under construction, approved under SSD 6957 (refer to **Figure 1**).

On 12 January 2018, the Department of Planning and Environment (DPIE) advised that in instances where it is believed that such an application is not required, a waiver should be requested from the Department 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 Clause 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 and Clause 6.1 of the *Biodiversity Conservation Regulation 2017*.

The subject site is not identified on the Biodiversity Values Map. The historical use of the site, as well as the approved works demonstrate that the Barangaroo area is highly disturbed, has been developed and has no biodiversity value. This is demonstrated through the historical site imagery at **Figures 2-4**.

It is therefore considered that the proposed development warrants the waiving of a BDAR. A specific assessment of the proposal against the relevant biodiversity values has been provided in **Table 1**.

Table 1 Assessment of SSD 9758 against the relevant biodiversity values

Assessment of SSD 9758 against the relevant biodiversity values	
Biodiversity Conservation Act 2016 – Clause 1.5	
(a) <i>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 is significantly altered and does not contain any significant vegetation. The site is in the construction stage of development delivery. The proposed stratum subdivision does not include any physical works and will not impact any vegetation.
(b) <i>habitat suitability – being the degree to which the habitat needs of threatened species are present at a particular site</i>	

Assessment of SSD 9758 against the relevant biodiversity values

<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> . The subject land is not identified on the Biodiversity Values Map and the proposed stratum subdivision relates only to the existing approved Crown Sydney Hotel Resort development that is currently under construction. The stratum subdivision does not involve any physical works and therefore will not generate any additional impacts.
Biodiversity Conservation Regulation 2017 – Clause 1.4	
<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 within an urban centre and does not contain any threatened species.
<i>(b) vegetation abundance – being the occurrence and abundance of vegetation at a particular site</i>	The site is located within an urban centre and does not contain an abundance of 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 within an urban centre. It does not connect to other areas of habitat.
<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 within a dense urban environment which does not facilitate 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>	There is no indication that the flight paths of any protected species will be interfered with by the proposal stratum subdivision.
<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 stratum subdivision will not result in any adverse impacts on water bodies surrounding the site.
Biodiversity Conservation Regulation 2017 – Clause 6.1	
<i>(1) The impacts on biodiversity values of the following actions are prescribed (subject to subclause (2)) as biodiversity impacts to be assessed under the biodiversity offsets scheme:</i> <i>(a) the impacts of development on the following habitat of threatened species or ecological communities:</i> <i>(i) karst, caves, crevices, cliffs and other geological features of significance,</i> <i>(ii) rocks,</i> <i>(iii) human made structures,</i> <i>(iv) non-native vegetation,</i>	The site is being developed, within the context of a highly urbanised environment. It does not contain habitat for threatened species or ecological communities which would be adversely affected by the proposed stratum subdivision. The site also does not contain any significant geological features of significance, rocks, human made structures and or native vegetation which would be adversely impacted by the proposed stratum subdivision.
<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 site does not contain any threatened species and does not connect to other areas of threatened species habitat. The proposed stratum subdivision will therefore not impact the movement of threatened species.
<i>(c) the impacts of development on movement of threatened species that maintains their lifecycle,</i>	
<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 relates only to stratum subdivision and the site does not contain threatened species. As such, there will be no impact on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities.
<i>(e) the impacts of wind turbine strikes on protected animals,</i>	N/A. No wind turbines are proposed on the site.
<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 threatened species or animals' part of a threatened ecological community. The proposed stratum subdivision will not result in any adverse impacts on threatened species of animals as it doesn't involve any physical works.

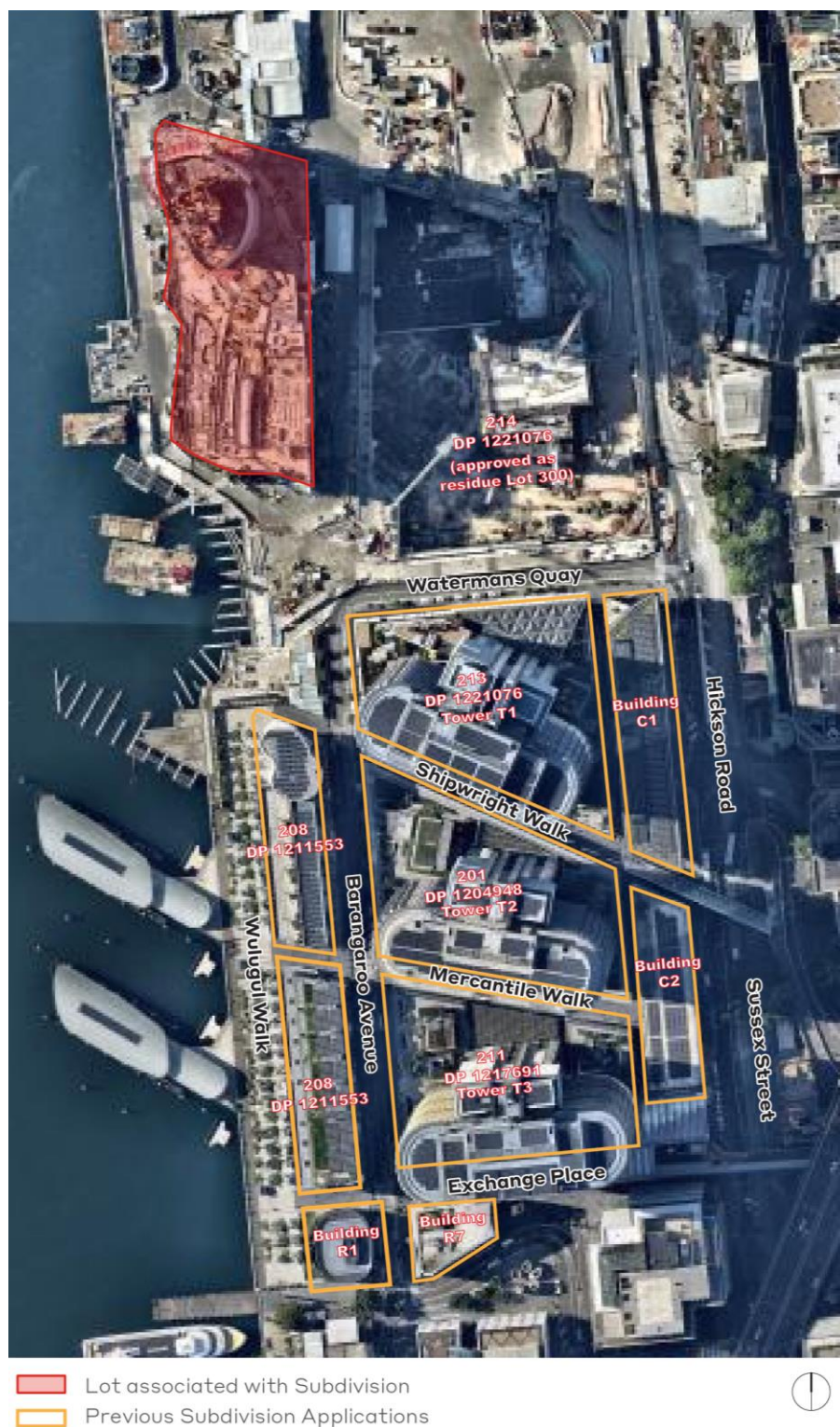


Figure 1 Site plan (ground level lot indicated in red)

Source: Nearmap and Ethos Urban

Note: The extent of the proposed basement stratum lot extend beyond the ground level footprint indicated in red.



Figure 2 Historic site conditions (2019)

Source: Nearmap dated 22 Oct 2019



Figure 3 Historical site conditions (2017)

Source: Nearmap dated 18 July 2017



Figure 4 Historical site conditions (2014)

Source: Nearmap dated 29 November 2014



Figure 5 Historical site conditions (2009)

Source: Nearmap dated 14 November 2009

Conclusion

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 therefore be provided in accordance with Section 7.9(2) of the *Biodiversity Conservation Act 2016*.

We trust that the above information is sufficient to allow 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 9956 6962 or pmaini@ethosurban.com.

Yours sincerely,



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