



7 March 2018

The Secretary
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ben Lusher

SSD 17_8663 - Sydney Opera House Building Renewal - Concert Hall, Creative Learning Centre and Under the Steps

Application for Waiver from Requirement to Include a Biodiversity Development Assessment Report

Dear Secretary

As provided in Section 7.9(2) of the Biodiversity Conservation Act 2016 No 63, the Sydney Opera House Trust seeks a waiver from the Planning Agency Head and the Environment Agency Head from the requirement to include a Biodiversity Development Assessment Report with the abovementioned development application.

The Sydney Opera House opened in 1973 and has operated since then as one of the world's premier performing arts centres. Prior to the construction of the Opera House in 1959, Bennelong Point was used as a fort (1810s – 1900) and a tram shed (1901-1950s). It has been highly disturbed by human activities since those times, with construction occurring across the entire site and no remaining residual natural landscape. The site is bounded by Sydney Harbour on the western, northern and eastern sides, and adjoins the Royal Botanic Gardens to the south and south-east, with Macquarie Street and East Circular Quay adjoining to the south and south-west.

The development proposed by SSD 17_8663 does not include any change in operations at the Sydney Opera House that would create any new or modified impact on the external environment. Similarly, the proposed development only includes minor changes to the built environment (one new external door, minor changes to the glazing on the Concert Hall Northern Foyer window) and as such no additional impact would occur to biodiversity values as a result of the development.

The revised Secretary's Environmental Assessment Requirements (SEARs) for the proposal were issued on 8 December 2017 and include the following requirement:

Provide an assessment of the proposal's biodiversity impacts in accordance with the requirements of the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report where required under the Act.



The Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017, together list the following biodiversity values, against which the proposed development's impacts must be assessed:

- 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;
- Habitat suitability – being the degree to which the habitat needs of threatened species are present at the particular site;
- Threatened species abundance – being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site;
- Vegetative abundance – being the occurrence and abundance of vegetation at a particular site;
- Habitat connectivity – being the degree to which a particular site connects different areas of habitat of threatened species to facilitate movement of those species across their range;
- Threatened species movement – being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle;
- Flight path integrity – being the degree to which the flight paths of protected animals over a particular site are free from interference; and
- 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.

The Sydney Opera House Trust engaged Cumberland Ecology to prepare a biodiversity assessment of the Sydney Opera House site (Attachment A).

Based on Cumberland Ecology's report, the Sydney Opera House provides the following assessment of the proposed development's potential impact on these values.

Value	Impact
1 Vegetation integrity	No vegetation occurs on the subject site and none can be impacted by various proposals for the Sydney Opera House
2 Habitat suitability	The Opera House has almost no potential to provide habitat for threatened species other than possibly microbats within the roof cavity areas of the buildings (this proposal does not propose any change to the roof cavities)
3 Threatened species abundance	The Sydney Opera House has almost no potential to provide habitat for threatened species other than possibly microbats within the roof cavity areas of the buildings (this proposal does not propose any change to the roof cavities)
4 Vegetation abundance	No vegetation occurs on the subject site and none can be impacted by this proposal for the Sydney Opera House
5 Habitat connectivity	The Sydney Opera House does not provide any notable habitat connectivity for any threatened species
6 Threatened species movement	The subject site does not contribute to the movement of threatened species
7 Flight path integrity	The Sydney Opera House will not be changed externally and so will not be changed in any way that would impact free-flying animals (threatened or otherwise) by interfering with flight paths



8 Water sustainability	The Sydney Opera House site is bounded by Sydney Harbour on the western, northern and eastern sides. The proposed development would not cause any additional impact to Sydney Harbour
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On the basis of the above, we request that under section 7.9(2) of the BC Act, the Planning and Environment Agency Heads (or their delegates) determine that the proposed development is not likely to have any significant impact on "biodiversity values" and that a "biodiversity development assessment report" is not required in relation to SSD 8663.

Yours sincerely
Sydney Opera House

Ian Cashen
Director Building

Att. A.: Cumberland Ecology Letter Report (27 February 2018)