

Our ref: Mixed use development with infill affordable housing – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill (SSD-101317213)

---

Mr Justin Epstein  
Director  
GEMI 168 Pty Ltd  
Level 6 / 4 Martil Place  
Sydney NSW 2000

25 May 2026

---

Subject: Mixed use development with infill affordable housing – 93-107 Cecil Avenue and 9-10 Roger Avenue, Castle Hill (SSD-78156221) – Request to waive the requirement for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

Dear Mr Epstein

I refer to your request dated 30 April 2026 seeking to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BCA):

*“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 biodiversity values.”*

This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure 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 Planning Secretary within the Development Assessment and Sustainability division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water (Senior Team Leader) has made the determination is attached (dated 20 May 2026).

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

## Department of Planning, Housing and Infrastructure



Should you have any further enquiries, please contact Nathan Stringer on (02) 9995 5531 or via email at [nathan.stringer@planning.nsw.gov.au](mailto:nathan.stringer@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "A. Coomar".

Aditi Coomar  
Team Leader  
Affordable Housing Assessments  
As delegate of the Planning Secretary

Encl: CPHR of NSW DCCEEW determination