

Our ref: Residential development with in-fill affordable housing - 35-39 Darley Street East, Mona Vale (SSD-113872990)

Mr Robin Walker

Senior Development Manager

The Trustee for IPG Dev 2 Unit Trust & GOP AFF 1 Unit Trust & IPG AFF 1 Unit Trust

PO Box 1414

Byron Bay NSW 2481

7 May 2026

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**Subject: Residential development with in-fill affordable housing - 35-39 Darley Street East, Mona Vale (SSD-113872990) – Request to waive the requirement for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016***

Dear Mr Walker

I refer to your correspondence dated 22 April 2026, regarding the request 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.”*

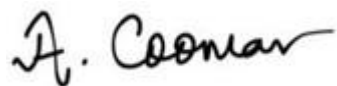
This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application 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 5 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.

Should you have any further enquiries, please contact John Martinez on 02 5852 6828 or via email to [john.martinez@dpie.nsw.gov.au](mailto:john.martinez@dpie.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "A. Coomar". The signature is written in a cursive, flowing style.

Aditi Coomar  
Team Leader  
Affordable Housing Assessments  
as delegate for the Planning Secretary

Encl: CPHR of NSW DCCEEW determination



Your ref: SSD-113872990  
Our ref: DOC26/243883

John Martinez  
Senior Planning Officer, Affordable Housing Assessments  
Department of Planning, Housing and Infrastructure  
[john.martinez@dpie.nsw.gov.au](mailto:john.martinez@dpie.nsw.gov.au)

Dear John

**Subject: Request to waive requirement for BDAR under s.7.9 of the *Biodiversity Conservation Act 2016* – 35-59 Darley Street East, Mona Vale NSW 2103 (SP18919), SSD-113872990**

I refer to the request from The Trustee for IPG Dev 2 Unit Trust & GOP AFF 1 Unit Trust & IPG AFF 1 Unit Trust to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for 35-59 Darley Street East, Mona Vale NSW 2103 (SP18919).

The information provided by the applicant has been reviewed, and it has been determined, based on the information provided in the BDAR waiver application dated 22 April 2026, that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is a decision report prepared by the Conservation Programs, Heritage & Regulation Group (CPHR). The decision report should not be provided to the applicant without CPHR approval.

If you have any further questions about this issue, please contact our Planning Team at [rog.nw@environment.nsw.gov.au](mailto:rog.nw@environment.nsw.gov.au).

Yours Sincerely

Kirsten McWhirter  
**Acting Senior Team Leader**  
**Conservation Planning and Assessment North**  
**Conservation Programs, Heritage and Regulation Group (CPHR)**

5 May 2026

Enclosure: Attachment 1 - Determination under clause 7.9(2) of the *Biodiversity Conservation Act 2016*

## **Attachment 1 – Determination under clause 7.9(2) of the *Biodiversity Conservation Act 2016***

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I, Kirsten McWhirter, Acting Senior Team Leader, of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), under clause 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 (BDAR) is not required.

**Proposed development** means the development as described in Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further request to waive the requirement for a BDAR must be lodged or a BDAR prepared.

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.



5 May 2026

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**Kirsten McWhirter**  
**Acting Senior Team Leader**  
**Conservation Planning and Assessment North**  
**Conservation Programs, Heritage & Regulation Group**  
**Department of Climate Change, Energy, the Environment and Water**

**Schedule 1 – Description of the proposed development**

Demolition, site preparation works, earthworks, construction of a residential development with associated works.