

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

I, Amy Watson, Acting Director Key Sites Assessments, of the Department of Planning, Industry 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 site preparation works including demolition, construction of four residential towers, retail shopping centre, shared community facilities and surrounding public open space and infrastructure as detailed in the BDAR waiver application dated 7 January 2021.

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.

A. Watson

Acting Director
Key Sites Assessments
Planning and Assessment
Department of Planning, Industry and Environment
(as delegate of the Secretary)

Date: 16 February 2021

Mr Saul Moran
Billbergia
173 Sussex Street
Sydney NSW 1225

saul.moran@billbergia.com.au

16 February 2021

Dear Mr Moran

**Biodiversity Development Assessment Report Waiver Request
Eden Street Site Redevelopment (SSD 11429726)**

I refer to your correspondence received on 7 January 2021 seeking to waive the requirement to submit a biodiversity development assessment report (BDAR) with the above State significant development application under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act).

I have reviewed your request having regard to Sections 1.5 and 7.3 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017, and have determined that the proposed development (SSD 11429726), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Environment, Energy and Science Group has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 15 January 2021 and a copy of that letter is attached.

Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed development and a BDAR is not required to accompany the SSD application.

If there are any amendments to the proposed development, this BDAR waiver determination will not be valid. You will need to either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

Should you have any further enquiries, please contact Marcus Jennejohn, Key Sites Assessments, at the Department on (02) 8289 6798.

Yours sincerely,



Amy Watson
Acting Director
Key Sites Assessments

As delegate of the Secretary

Enclosed:

Determination, delegated position within Environment, Energy and Science Group, DPIE
Determination, delegated position within Planning and Assessment, DPIE



Our ref: DOC20/1016653

Senders ref: SSD 11429726 (City of Sydney)

Marcus Jennejohn
Senior Planning Officer
Key Sites Assessments
Planning and Assessment Group
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Jennejohn,

Request for Biodiversity Development Assessment Report Waiver for Arncliffe Project, Eden Street and Princes Highway, Arncliffe (SSD 11429726)

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development Application for Arncliffe Project, Eden Street and Princes Highway, Arncliffe.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Cumberland Ecology dated 6 November 2020 and the additional information submitted by Cumberland Ecology dated 7 January 2021, and determined 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.

The determination is attached for you to provide to the applicant.

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 the decision report prepared by EES. The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au

Yours sincerely

15/01/2021

**Liza Schaeper
A/Director
Greater Sydney
Biodiversity and Conservation Division**

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

I, Liza Schaeper, Acting/Director Greater Sydney, of the Department of Planning, Industry and Environment, 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 is not required.

Proposed development means the development as described in DOC20/1016653 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



15/01/2021

Liza Schaeper
A/Director
Greater Sydney
Environment, Energy & Science Group

Date

SCHEDULE 1 – Description of the proposed development

The subject land has been earmarked for redevelopment and involves the demolition of existing buildings and surrounding gardens/landscaped areas for the construction of:

- 4 residential towers consisting of;
 - Approximately 764 residential units;
 - 7,575 m² for a retail shopping centre; and
 - 914 m² of shared community facilities.
- Public open space; and
- Infrastructure.

