
Appendix R

Biodiversity Development Assessment Report (BDAR) Waiver



Department of Planning and Environment

Cameron Nixon
Manager SSD Planning Approvals
Sydney Metro
680 George Street,
Sydney NSW 2000

14 September 2022

Dear Mr Nixon,

Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report

I refer to your Biodiversity Development Assessment Waiver Request prepared by WSP Consulting dated 29 August 2022 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) associated with the State Significant Development application for Hunter Street West Over Station Development.

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

“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 the biodiversity values”.

This letter is to confirm that the Secretary of the Department of Planning and Environment 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 for the proposed development.

I, as Delegate of the Secretary within the Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination attached dated 14 September 2022). Evidence that the Delegate of the Secretary within Environment and Heritage Group has made the determination is also attached (dated 6 September 2022).

Should you have any further enquiries, please contact Russell Hand, Key Sites Assessments, at the Department on (02) 8275 1313.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Annie Leung'.

Annie Leung
Team Leader, Key Sites Assessments
Planning and Assessment Division
As delegate of the Secretary

Encl:

1. Determination, Department of Planning and Environment, Environment and Heritage Group
2. Determination, Department of Planning and Environment, Planning and Assessment Division

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

I, Sarah Burke, A/Director Greater Sydney, of the Department of Planning 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. Therefore, a Biodiversity Development Assessment Report is not required.

Proposed development means the development as described in the BDAR Waiver request report (DOC22/632154) and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

S Burke

6/09/2022

Sarah Burke
A/Director
Greater Sydney
Environment and Heritage Group
Department of Planning and Environment

Date

SCHEDULE 1 – Description of the proposed development

The proposed development is the Sydney Metro West - Concept SSDA for the Hunter Street Station (Sydney CBD) – Western Site over station development (OSD) - SSD-46246214. The Concept SSDA seeks to deliver an OSD at the western Hunter Street Station site as a part of the Sydney Metro West Project.

The proposed development will comprise a single commercial office building envelope above the western Hunter Street Station site (the site) for the OSD within lots that relates to the properties at 296 George Street, 300 George Street, 312 George Street, 314-318 George Street, 5010 De Mestre Place (Over Pass), 5 Hunter Street, 7-13 Hunter Street, 9 Hunter Street and De Mestre Place, Sydney.

The Concept SSDA will seek consent for a building envelope above the site for the OSD, including:

- maximum building envelope and built form parameters (including tower envelopes and heights, and building setbacks, in accordance with the concept reference design
- maximum building height of approximately 51 storeys
- land uses within the OSD building envelope and podium including:
 - commercial land uses within the tower building envelope
 - commercial and retail land uses within the building envelope for the podium
- maximum gross floor area (GFA) of approximately 70,000 m².

The proposed building envelope for the OSD will be a concept proposal only. Pursuant to section 4.22 of the EP&A Act, further approval(s) will be sought for the detailed design and construction of the proposed OSD. The future approval(s) will be required to be consistent with the Concept SSDA development parameters.

The proposed planning envelopes for the entire Hunter Street Station (Sydney CBD) includes both eastern and western sites. This BDAR Waiver report relates to the OSD for the western site only. A separate BDAR Waiver report has been prepared for the eastern site. The eastern and western sites will be subject to two separate Concept SSDAs.

Figure 1 shows the location map which shows the Hunter Street west site and the Hunter Street east site. Figure 2 shows the proposed site layout map.

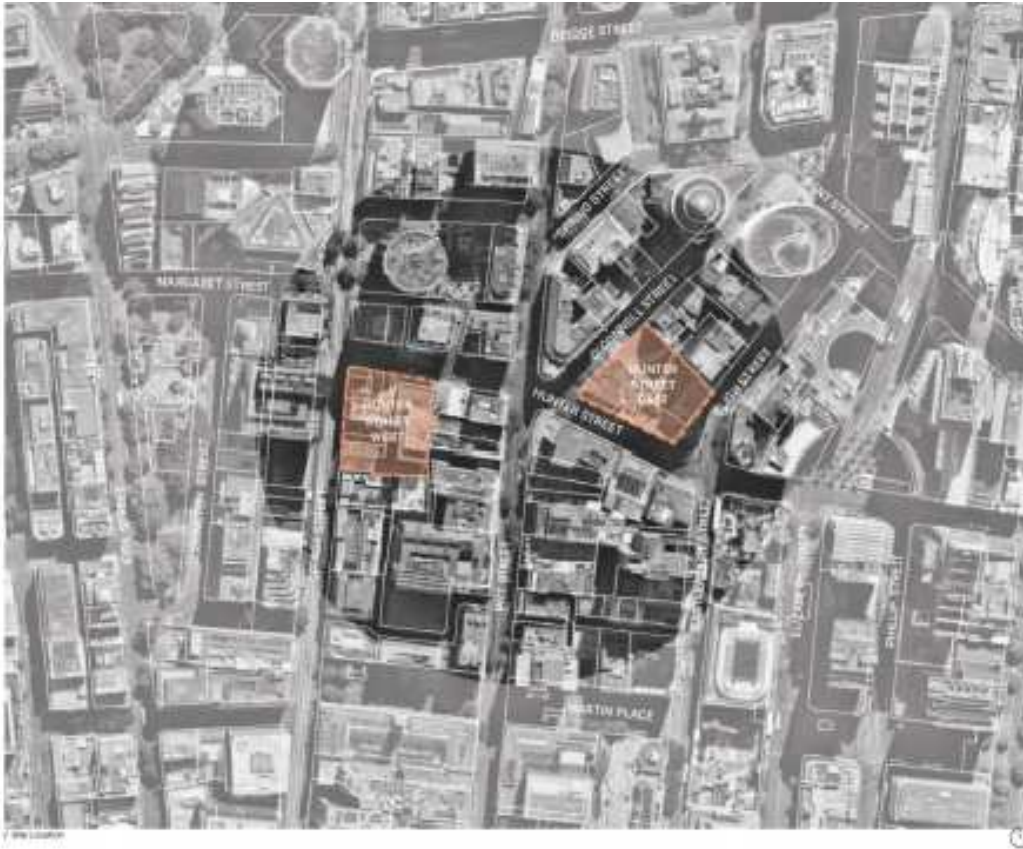


Figure 1 – Location map

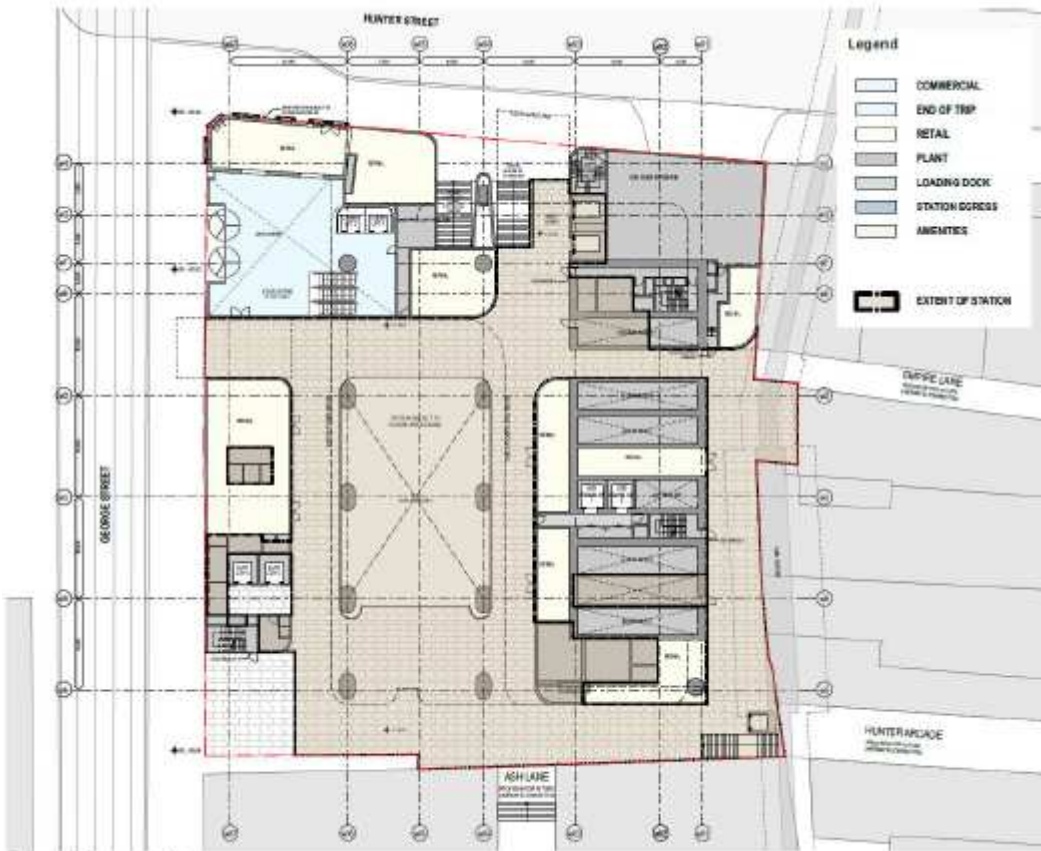


Figure 3.2 Site map

Figure 2 – Proposed site layout map for the Hunter Street Station (Sydney CBD) – Western Site over station development

Attachment D

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

I, Annie Leung, Key Sites Assessments, Planning and Assessment, of the Department of Planning 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 Hunter Street West Over Station Development (SSD-46246214) as detailed in the BDAR waiver request prepared by WSP Consulting dated 29 August 2022.

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.



Annie Leung
Team Leader
Key Sites Assessments
Planning and Assessment
Department of Planning and Environment
(as delegate of the Secretary)

Date 14 September 2022