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# Appendix R

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## Biodiversity Development Assessment Report (BDAR) Waiver

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## Department of Planning and Environment

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

15 August 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 1 July 2022 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) associated with the State Significant Development application for Hunter Street East 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 15 August 2022). Evidence that the Delegate of the Secretary within Environment and Heritage Group has made the determination is also attached (dated 3 August 2022).

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 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***

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I, Louisa Clark, 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 (DOC22/625393) and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



3/08/2022

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**Louisa Clark**  
**A/Director**  
**Greater Sydney**  
**Environment and Heritage Group**  
**Department of Planning and Environment**

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**Date**

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## **SCHEDULE 1 – Description of the proposed development**

The proposed development is the Sydney Metro West - Concept SSDA for the Hunter Street Station (Sydney CBD) – Eastern Site over station development (OSD) - SSD-46246713.

The Concept SSDA seeks to deliver an OSD at the eastern Hunter Street Station site as a part of the Sydney Metro West Project. The proposed development will comprise a single building envelope above the eastern Hunter Street Station site (the site) for the OSD within lots of 28 O'Connell Street, 48 Hunter Street, 33 Bligh Street and 37 Bligh Street, 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 building setbacks, in accordance with the concept reference design)
- Maximum building height of approximately 58 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 85,000 sqm,

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

The site is currently partially occupied for the Sydney Metro City & Southwest construction site. The remainder of the site is currently occupied by commercial office buildings and a range of ground floor business premises including retail, restaurants, and cafes.

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

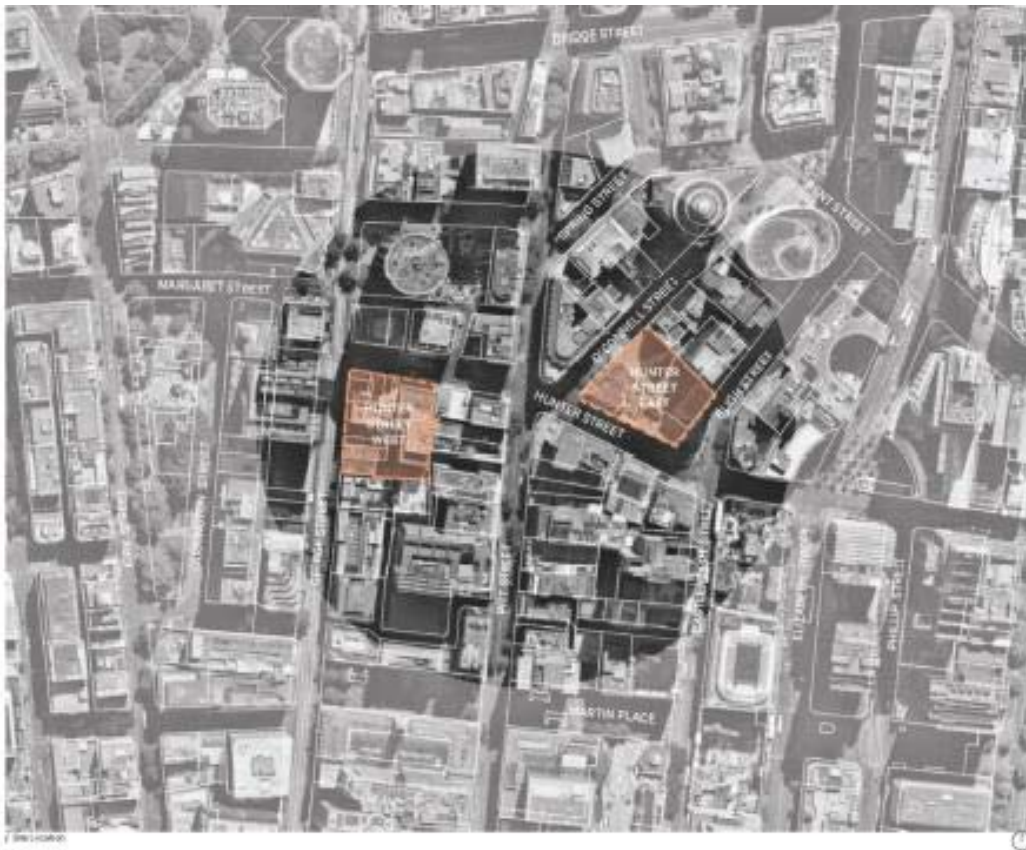


Figure 1 – Location map

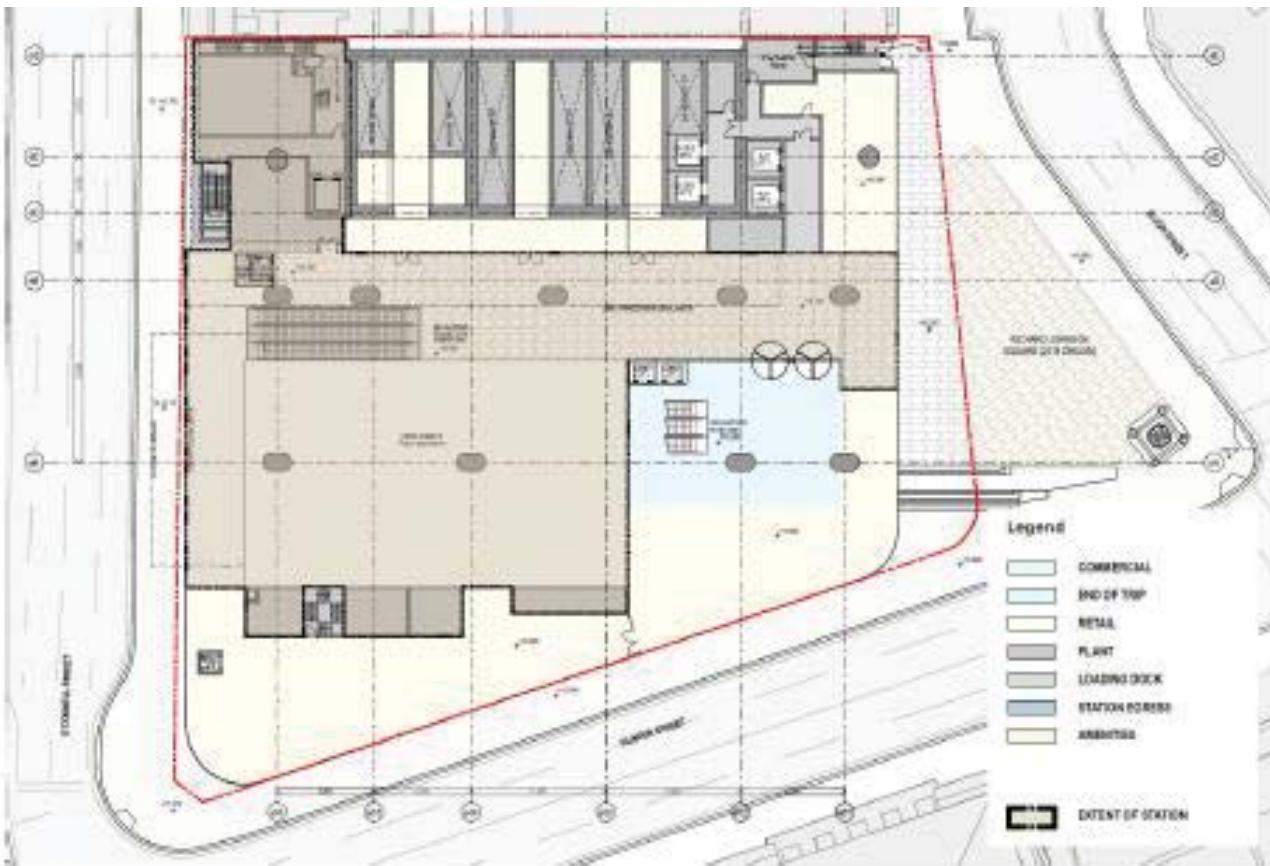


Figure 2 – Proposed site layout map

## Attachment D

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

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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 East Over Station Development (SSD-46246713) as detailed in the BDAR waiver request prepared by WSP Consulting dated 1 July 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.



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

**Date 15/08/22**