

Mr James Matthews
Planning Director
Pacific Planning Pty Ltd
16 Leavesden Place
Sylvania NSW 2224

Dear Mr Matthews,

20 January 2025

Subject: Regents Park In-Fill Affordable Housing – Stage 3 (SSD-57703458) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to your correspondence 25 November 2024, regarding the request to waive the need 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.”

The authority of the “*Planning Agency Head*” to determine whether a proposed development is “*not likely to have any significant impact on biodiversity values*” has been delegated to Team Leaders within the Development Assessment and Infrastructure Division on 9 October 2024.

I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BCA and clause 1.4 of the Biodiversity Conservation Regulation 2017 and determine that the development is not likely to have any significant impact on biodiversity values of the site and surroundings. The application, therefore, does not need to be accompanied by a BDAR. Accordingly, a waiver under section 7.9 is granted for the proposed development (Regents Park In-Fill Affordable Housing – Stage 3 located at 30-46 Auburn Road, Regents Park (SSD-57703458)).

The delegated “*Environment Agency Head*” in the Biodiversity, Conservation and Science Group Division of the NSW Department of Climate Change, Energy, the Environment and Water has also granted a waiver in a letter and a copy of that letter along with the determination is attached.

This waiver is issued in respect of the proposed development described in a request for Planning Secretary's Environmental Assessment Requirements (SEARs) dated 20 December 2024. Amendments to the development may require a further waiver to be sought and issued.

Should you have any enquiries regarding the above matter, please contact Stephen Dobbs on (02) 8275 1604. or via email to stephen.dobbs@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "G. Wardenburg".

Gabriel Wardenburg

Team Leader

Social & Affordable Assessments

as delegate for the Planning Secretary

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

I, Allison Treweek, Acting Director Greater Sydney, of the Department of Climate Change, Energy, the Environment and Water, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that the proposed SSD-57703458 Regents Park Build-to-Rent - Stage 3 at 30-46 Auburn Road, Regents Park 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 DOC24/1044736 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



Allison Treweek
Acting Director
Greater Sydney
Regional Delivery Biodiversity, Conservation and Science Group

Date 16 January 2025

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD-57703458 proposes the construction of Building C for infill affordable housing and the central open public space, as detailed in the BDAR waiver request, prepared by MJD Environmental, dated 14 June 2024.

Refer to:

- Figure 1 Location Map
- Figure 2 Proposed Plan (Ground Floor)
- Figure 3 Proposed Landscape Plan
- Figure 4 Approved Demolition Plan (DA56-2019)
- Figure 5 Tree Identification Plan

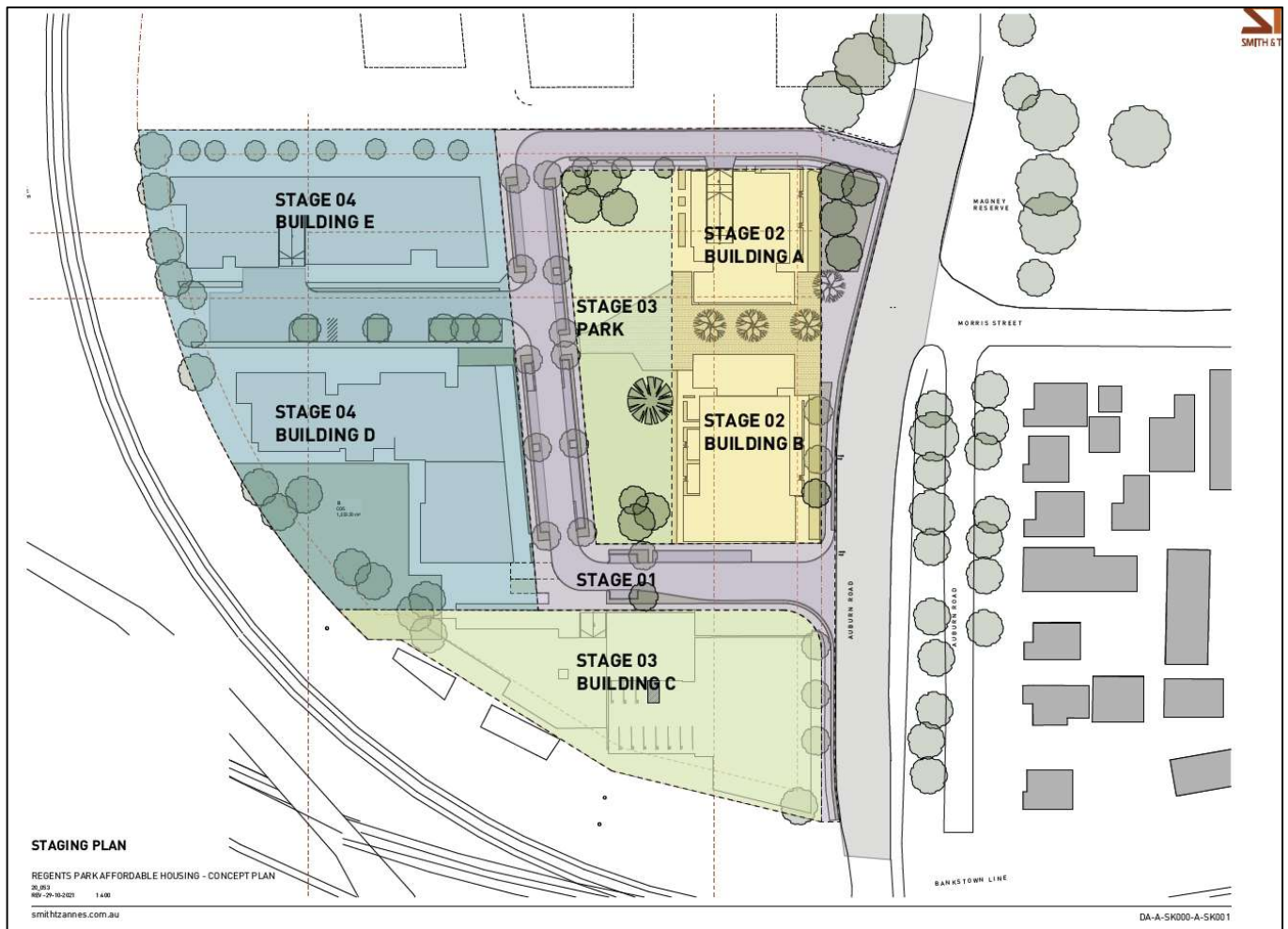


Figure 1 Staging Plan

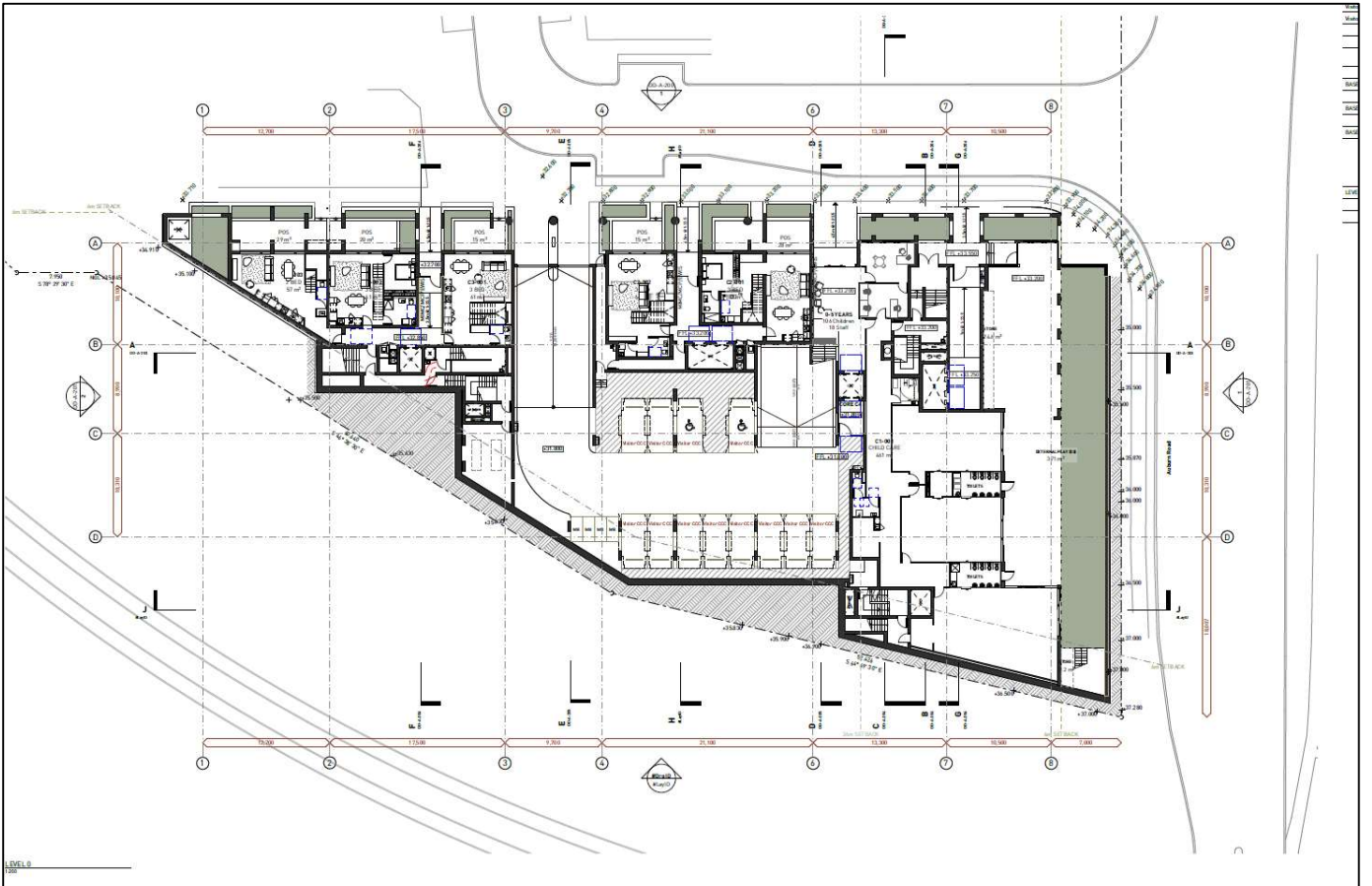


Figure 2 Proposed Plan



Figure 3 Proposed Landscape Plan

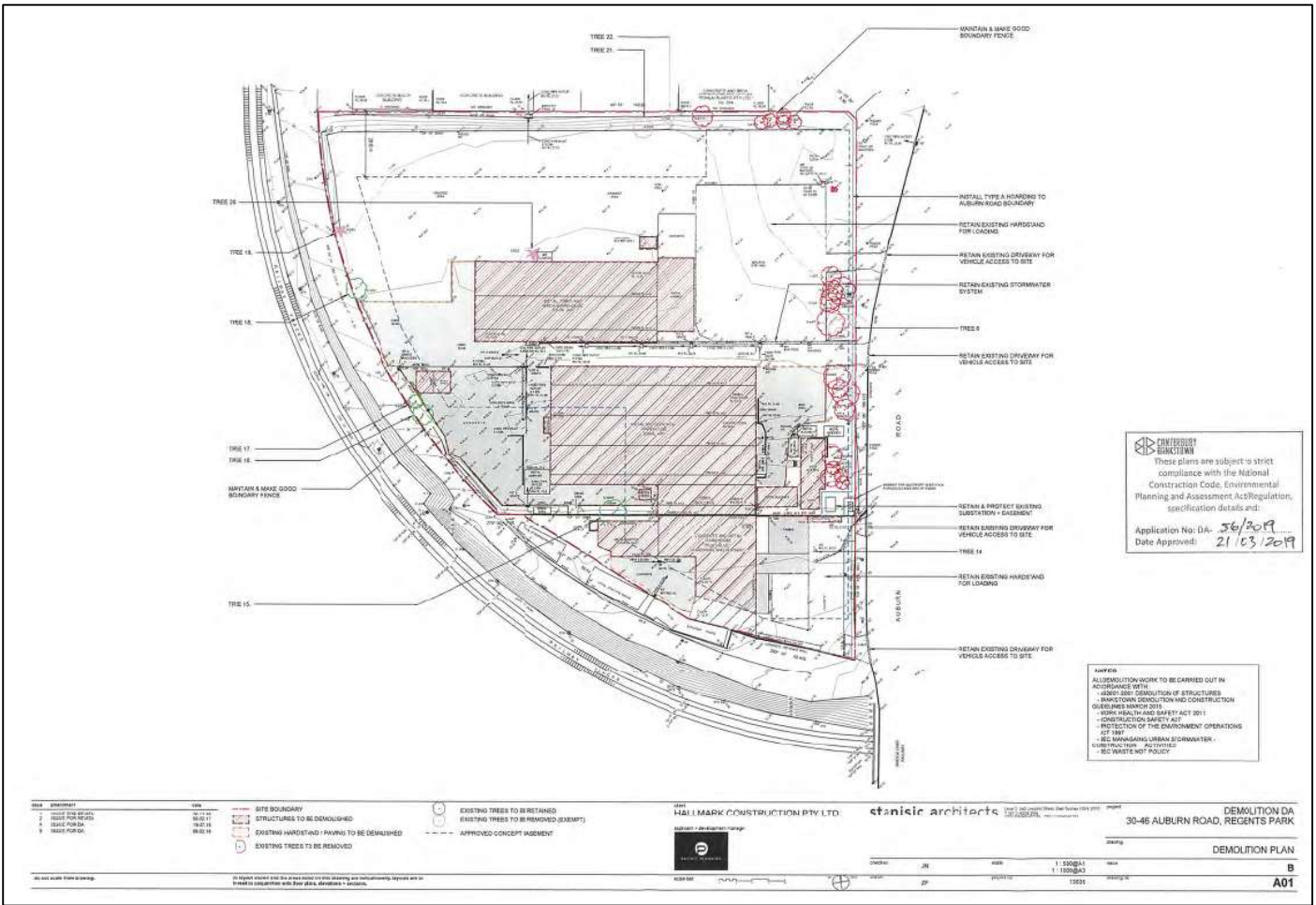


Figure 4 Approved Demolition Plan (DA56-2019)



Figure 5 Tree Location Map