

Our ref: SSD-62367962

Ms Mireille Gasking  
Development Manager  
Built Development Group Pty Ltd  
4/185 Clarence Street  
Sydney NSW 2000  
100 WALKER STREET

Attention: Costa Dimitriadis

16 November 2023

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**Subject: Liverpool Civic Place Phase B/C - BTR (SSD-62367962) - Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016***

Dear Ms Gasking

I refer to your correspondence dated 27 October 2023 requesting the issue of a waiver from the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the Liverpool Civic Place Phase B/C BTR (SSD-62367962).

Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) provides the following in relation to an application for SSD:

*“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 Planning and Assessment Division of the Department of Planning and Environment.

Accordingly, I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 and considered the information provided in the report prepared by Ethos Urban dated 27 October 2023. I have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR.

A waiver under section 7.9 is therefore granted for the proposed development (being the Liverpool Civic Place Phase B/C BTR (SSD-62367962)).

The delegated Environment Agency Head in the Environment and Heritage Group (EHG) has also determined that the proposed development is not likely to have any significant impact on biodiversity values and a copy of that determination is attached.

## Department of Planning and Environment



If you have any questions, please contact Elena Sliogeris, on 02 8289 6918 or via email at [elena.sliogeris@dpie.nsw.gov.au](mailto:elena.sliogeris@dpie.nsw.gov.au)

Yours sincerely,

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

Gabriel Wardenburg

Team Leader,

State Significant Acceleration

as delegate for the Planning Secretary

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

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I, Louisa Clark, Director Greater Sydney, of the Department of Planning and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider 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 DOC23/964529 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



15/11/2023

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**Louisa Clark**  
**Director**  
**Greater Sydney**  
**Environment and Heritage Group**

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**Date**

## SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) seeks approval for the construction of a Build to Rent tower as per the BDAR waiver prepared by Ethos Urban dated 27 October 2023.

Refer to Figure 1- Site Location plan showing the SSD-62367962 site outlined in blue below.



Figure 1 Site location plan

Figure 1 – Site Location plan showing SSD site in blue