

Patrick Koe
Homes NSW
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

22 October 2024

Subject: Botany Road, Mascot, Affordable Housing (SSD 72393459) – Request to waive the requirements for a BDAR under the Biodiversity Conservation Act 2016

Dear Andrew,

I refer to your correspondence dated 24 September 2024, regarding the request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Description of proposed development

The SSD pertains to a residential development at 792-794 Botany Road and 33-37 Henry Kendal Crescent, Mascot comprising demolition of five existing buildings, site preparation works and the construction of three residential flat buildings for residential land uses to accommodate 126 social and affordable housing apartments.

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.”

This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure 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 or infrastructure approval for the proposed development.

I, as Delegate of the Planning Secretary within the Development Assessment and Infrastructure Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water (Acting Director of the Greater Sydney Branch) has made the determination is attached (dated 16 October 2024).

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 Lucinda Craig on 9585 6027 or via email to Lucinda.Craig@dpie.nsw.gov.au.

Yours sincerely,



Cameron Sargent
Team Leader, Key Sites and TOD Assessments
As delegate of the Planning Secretary

Encl: BCS of NSW DCCEEW determination

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

I, Louisa Clark, 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 72393459 – Botany Road, Mascot, Affordable Housing at 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot 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 DOC24/814417 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



16/10/2024

Louisa Clark
Director
Greater Sydney
Regional Delivery Biodiversity, Conservation and Science Group

Date

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD 72393459 proposes the construction of a residential development to facilitate approximately 126 social and affordable dwellings, as detailed in the SEARs dated 24 July 2024, and the BDAR waiver request, prepared by SLR Consulting Australia, dated 24 September 2024.

Refer to:

- Figures 1a and 1b Location Maps
- Figure 2 Site map
- Figure 3 Proposed plan

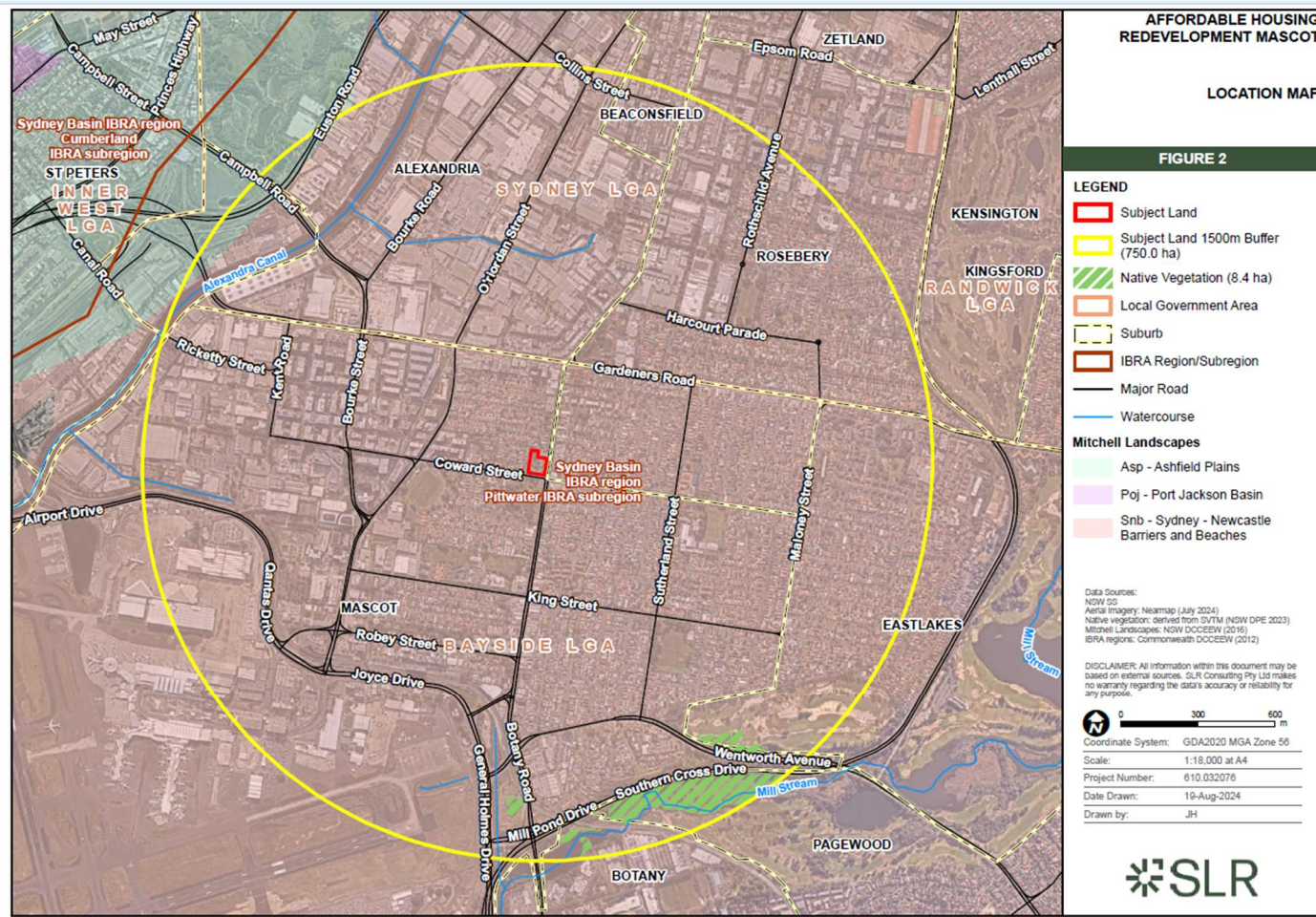


Figure 1a Location Map

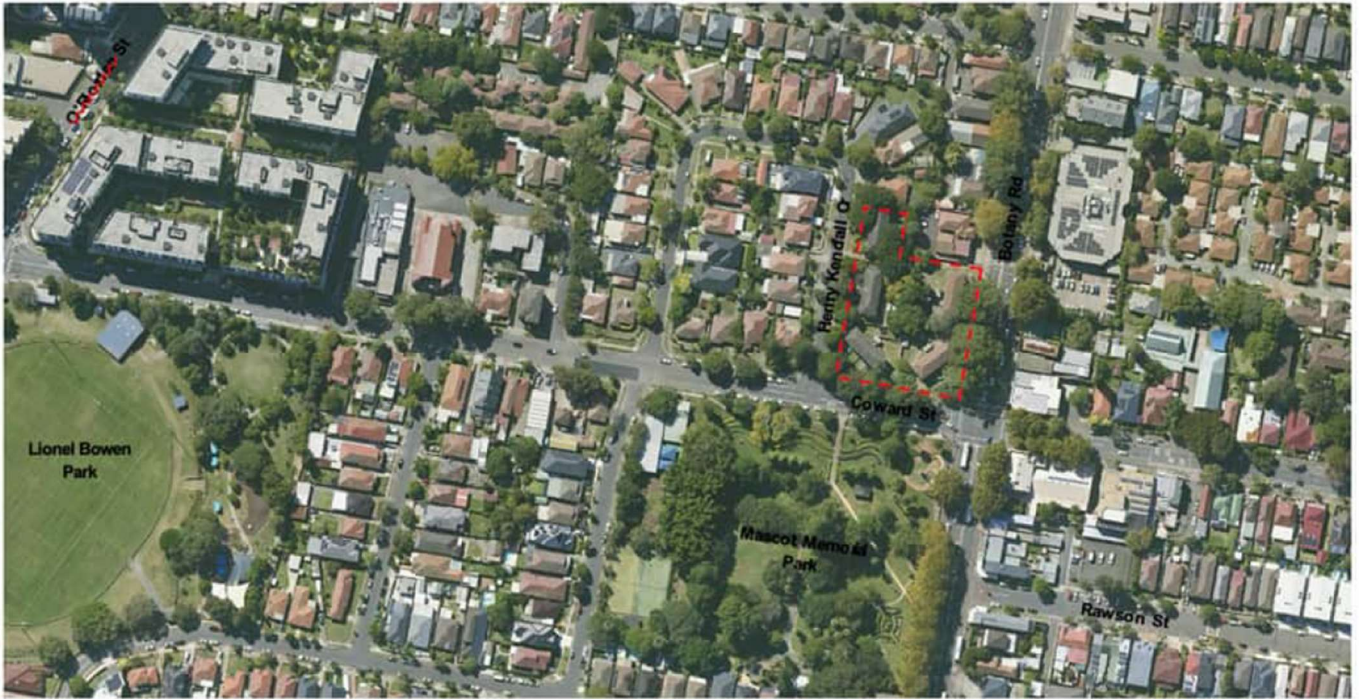


Figure 1b Location Map



Figure 2 Site map

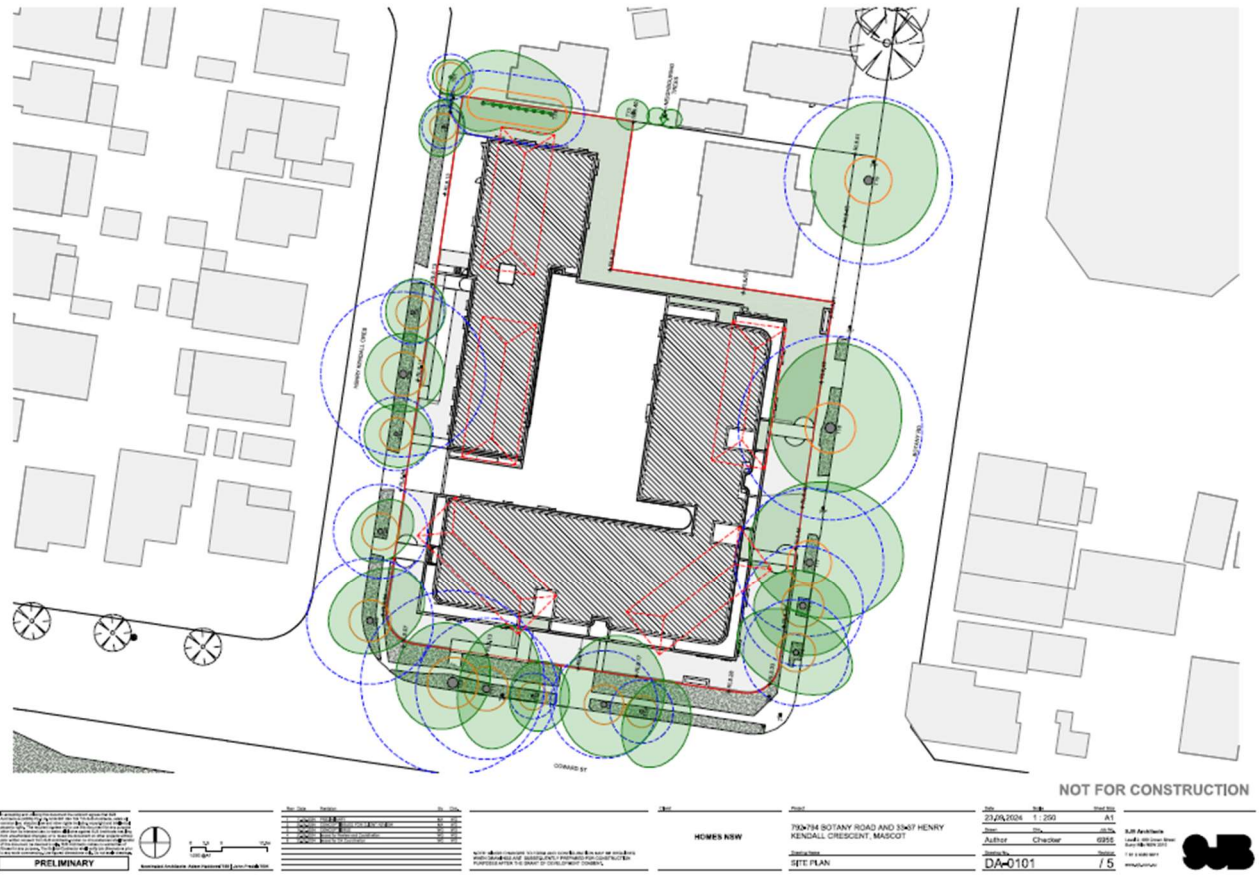


Figure 3 Proposed plan

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

I, Cameron Sargent, Team Leader, Key Sites and TOD Assessments, 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 as detailed in the BDAR waiver application dated 24 September 2024. 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.



**Team Leader
Key Sites and TOD Assessments
Planning and Assessment
Department of Planning and Environment**

(as delegate of the Secretary)

Date: 22 October 2024