



Your ref: SSD-84190958
Our ref: DOC26/174024

Rosie Turner
Senior Planning Officer
Department of Planning, Housing and Infrastructure

By email: rosie.turner@dpie.nsw.gov.au

Dear Rosie

Subject: Request to waive requirement for BDAR under s.7.9 of the *Biodiversity Conservation Act 2016* – 23-25 Ashton Avenue, The Entrance (SSD-84190958).

I refer to the request from Pacific Link Housing to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for an apartment block development at 23-25 Ashton Avenue, The Entrance NSW.

The information provided by the applicant has been reviewed, and it has been determined, based on the information provided in the BDAR waiver application dated 24 March 2026, that the proposed development is **not likely** to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

Please note that if the proposed development is changed so that it is no longer as described in **Schedule 1** of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is a decision report prepared by the Conservation Programs, Heritage & Regulation Group (CPHR). The decision report should not be provided to the applicant without CPHR approval.

If you have any further questions about this issue, please contact our Planning Team at hcc.planning@environment.nsw.gov.au

Yours Sincerely

Stacy Warren
Senior Manager, Planning Coordination & Advice
Conservation Programs, Heritage and Regulation Group (CPHR)
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)

2 April 2026

Enclosures:
Schedule 1
Attachment 1

Attachment 1 – Determination under clause 7.9(2) of the *Biodiversity Conservation Act 2016*

I, Stacy Warren, Senior Manager, Planning Coordination and Advice of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), under clause 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 (BDAR) is not required.

Proposed development means the State significant development (SSD-84190958) located at 23-25 Ashton Avenue, The Entrance NSW as described in Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further request to waive the requirement for a BDAR must be lodged or a BDAR prepared.

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.



2 April 2026

Stacy Warren

Senior Manager, Planning Coordination and Advice Conservation Programs, Heritage & Regulation Group (CPHR)

NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)

Schedule 1 – Description of the proposed development

State Significant Development (SSD-84190958) under the *Environmental Planning and Assessment Act 1979* for a 7 storey shop-top housing complex including 48 apartments, commercial tenancy, parking, landscaping and civil works. The development site is located at 23-25 Ashton Avenue, The Entrance and encompasses three Lots:

- Lot 24, Section 2, DP14230;
- Lot 36, Section 2, DP14230;
- Lot 37, Section 2, DP14230

Figure 1 below shows an aerial photograph of 23-25 Ashton Avenue, The Entrance.



Figure 1 Extract from the BDAR wavier application. Aerial Photograph of the development site for 23-25 Ashton Avenue, The Entrance (SSD-84190958).

Our ref: Mixed Use Development at 23 – 25 Ashton Avenue The Entrance (SSD-84190958)

Mr Anthony Williams
Wilson Planning and Property
60 Denison Street
Hamilton East NSW

20 April 2026

Subject: Request to waive the requirement for a biodiversity development assessment report (BDAR) under the Biodiversity Conservation Act 2016 (BCA) for the undertaking of Mixed Use Development at 23 – 25 Ashton Avenue The Entrance (SSD-84190958)

Dear Mr Williams,

I refer to your correspondence dated 23 March 2026, 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.

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.”

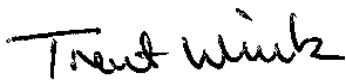
I, as Delegate of the Planning Secretary within the Development Assessment and Infrastructure Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water has made the determination is attached (dated 2 April 2026).

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.

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.

If you have any enquiries, please contact Rosie Turner on 02 4904 2737 or via email to rosie.turner@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "Trent Wink".

Trent Wink

Team Leader, Housing Delivery Authority SSD Assessments

As delegate for the Planning Secretary

Encl: CPHR of NSW DCCEEW determination