

Our ref: SSD-84416958

Mr Peter Navratil
Project Director
The Trustee for LegPro 45 Unit Trust
Level 45, 25 Martin Place
Sydney NSW 2000

10 July 2025

Subject: Shop top housing with infill affordable housing - 253 - 265 Pacific Highway, North Sydney (SSD-84416958) – Request to waive requirement to prepare a Biodiversity Development Assessment Report

Dear Mr Navratil,

I refer to your correspondence dated 16 June 2025 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 new mixed-use shop top housing development, including infill affordable house as detailed in the BDAR waiver request, prepared by Eco Logical Australia, dated 16 June 2025.

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 (Director of the Greater Sydney Regional Delivery Branch) has made the determination is attached (dated 9 July 2025).

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 Rodger Roppolo on 8289 6876 or via email to rodger.roppolo@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Anna Nowland".

Anna Nowland
Acting Team Leader, Key Sites & TOD Assessments
As delegate of the Planning Secretary

Encl: CPHR 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-84416958 - Mixed use development with affordable housing at 253-265 Pacific Highway, North Sydney 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 DOC25/495103 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



09/07/2025

Louisa Clark
Director, Greater Sydney
Regional Delivery
Conservation Programs, Heritage, and Regulation Group

Date

SCHEDULE 1 – Description of the proposed development

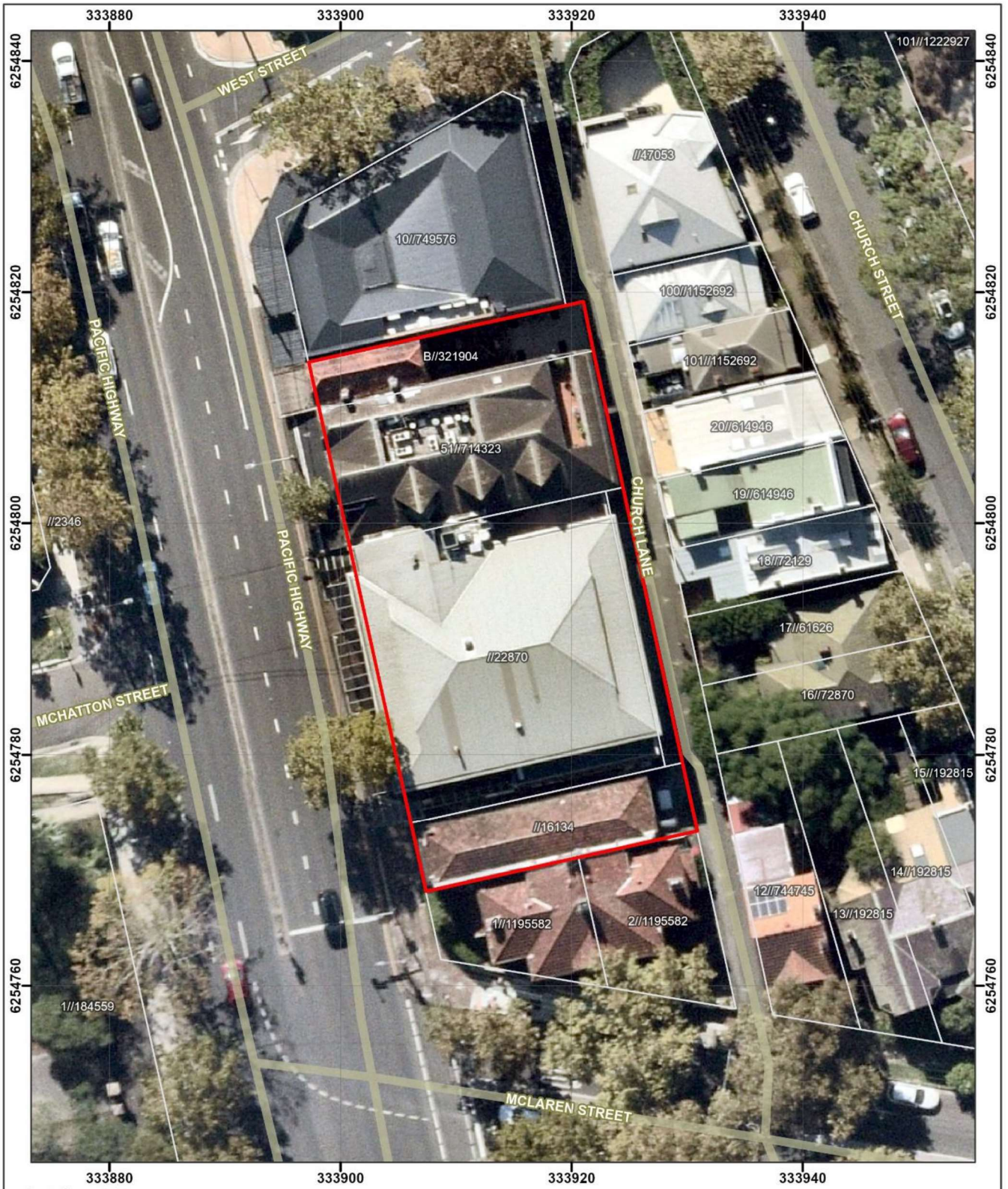
The State Significant Development Application (SSDA) SSD-84416958 proposes the demolition, site preparation works, earthworks, construction of mixed-use development with subdivision, as detailed in the BDAR waiver request, prepared by, Eco Logical Australia Pty Ltd (ELA) dated 16 June 2025.

Refer to:

- Figure 1 Location Map
- Figure 2 Site map
- Figure 3 Potential microbat habitat
- Figure 4 Proposed plan
- Figure 5 Proposed Ground Floor plan

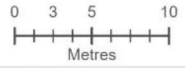


Figure 1 Location Map



Subject Site

- Subject Site
- Cadastre
- Roads



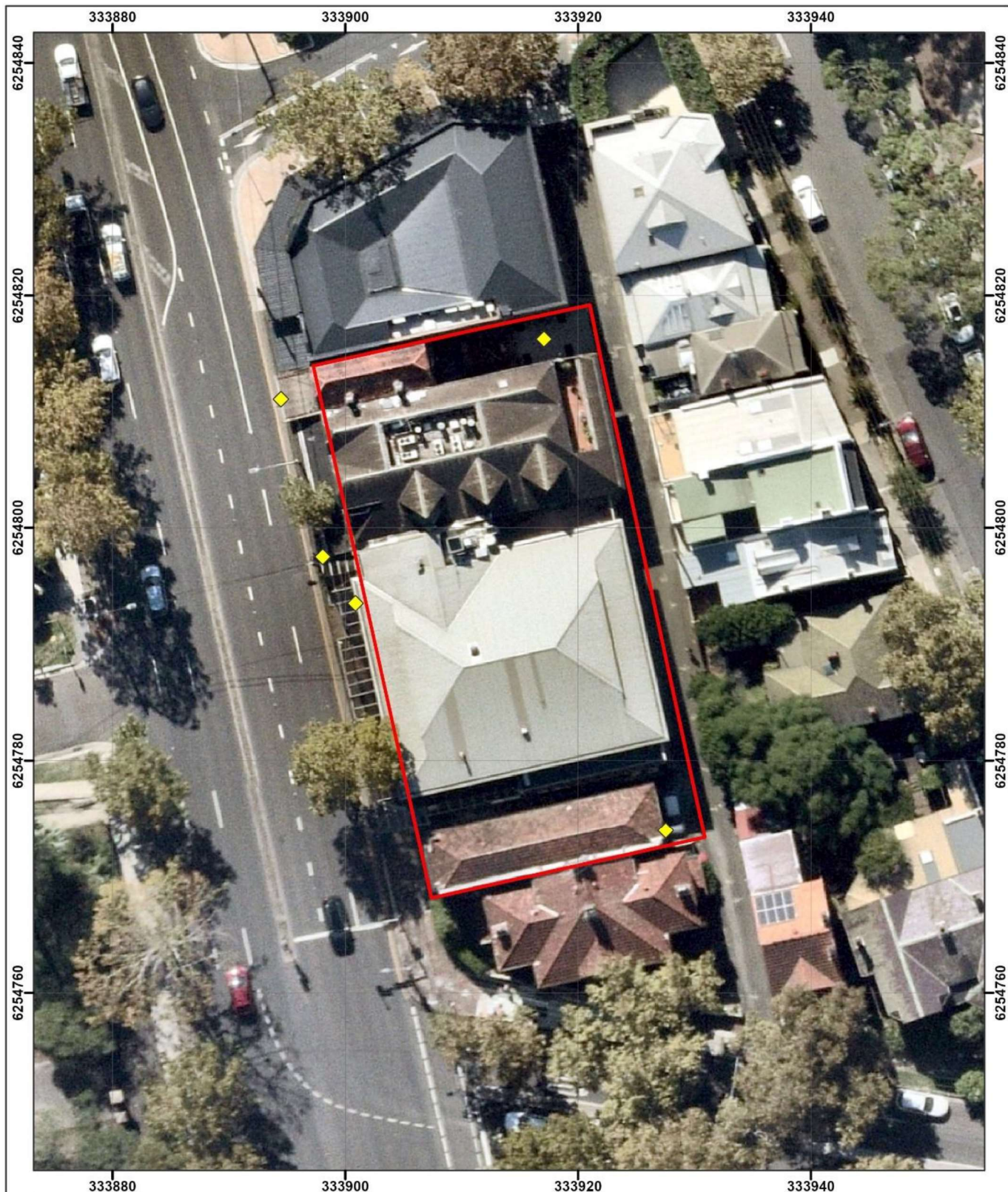
Datum/Projection:
 GDA 1994 MGA Zone 56
 Location: 253-265 Pacific Hwy, North Sydney, NSW
 Project: 11158-AW Date: 6/06/2025

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 Image captured 03/04/2024 nearmap.com



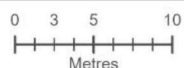
eco logical
 AUSTRALIA
 A TETRA TECH COMPANY

Figure 2 Site map



Fauna Habitat

- Subject Site
- ◆ Potential microbat habitat



Datum/Projection:
 GDA 1994 MGA Zone 56
 Location: 253-265 Pacific Hwy, North
 Sydney, NSW
 Project: 11158-AW Date: 10/06/2025





Image captured 03/04/2024
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Figure 3 Potential microbat habitat identified within the subject site (locations are indicative only)

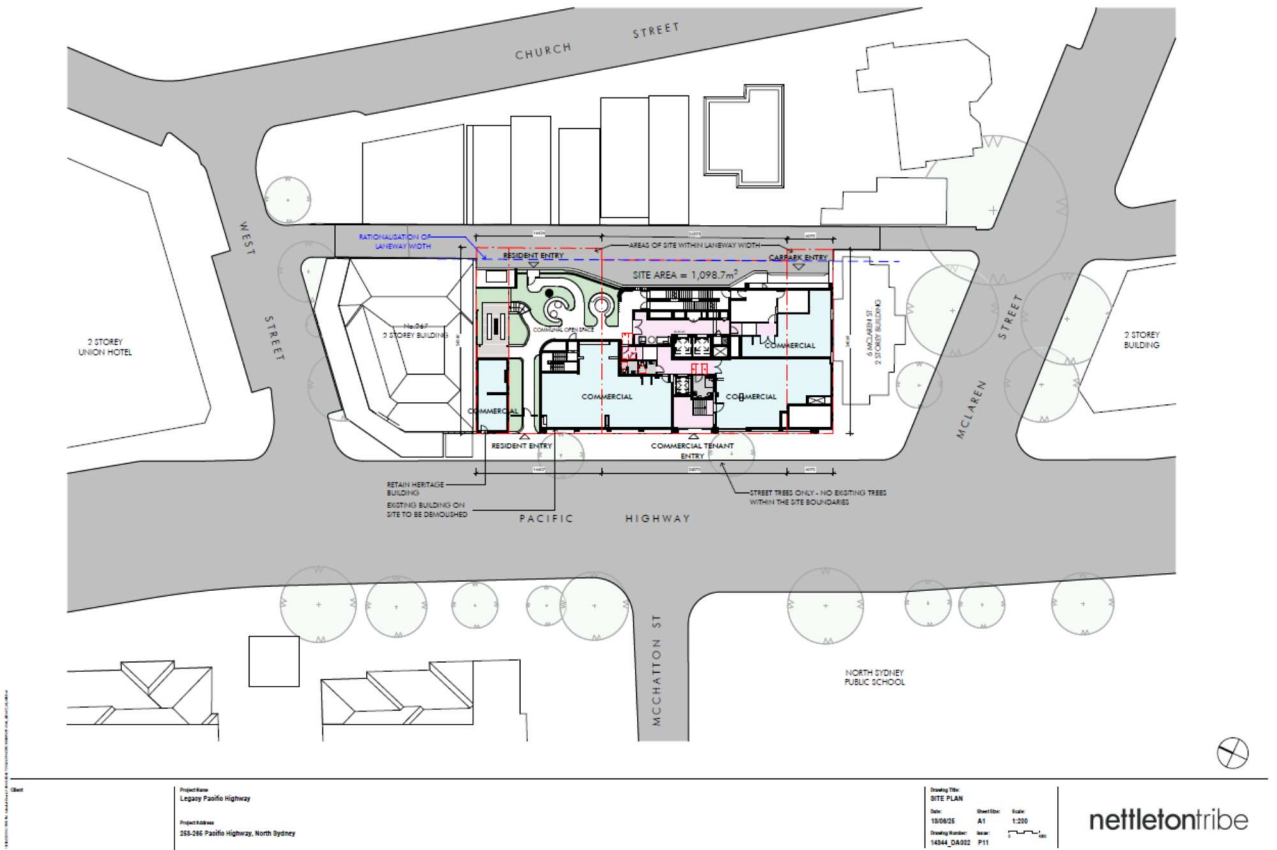


Figure 4 Proposed Site plan

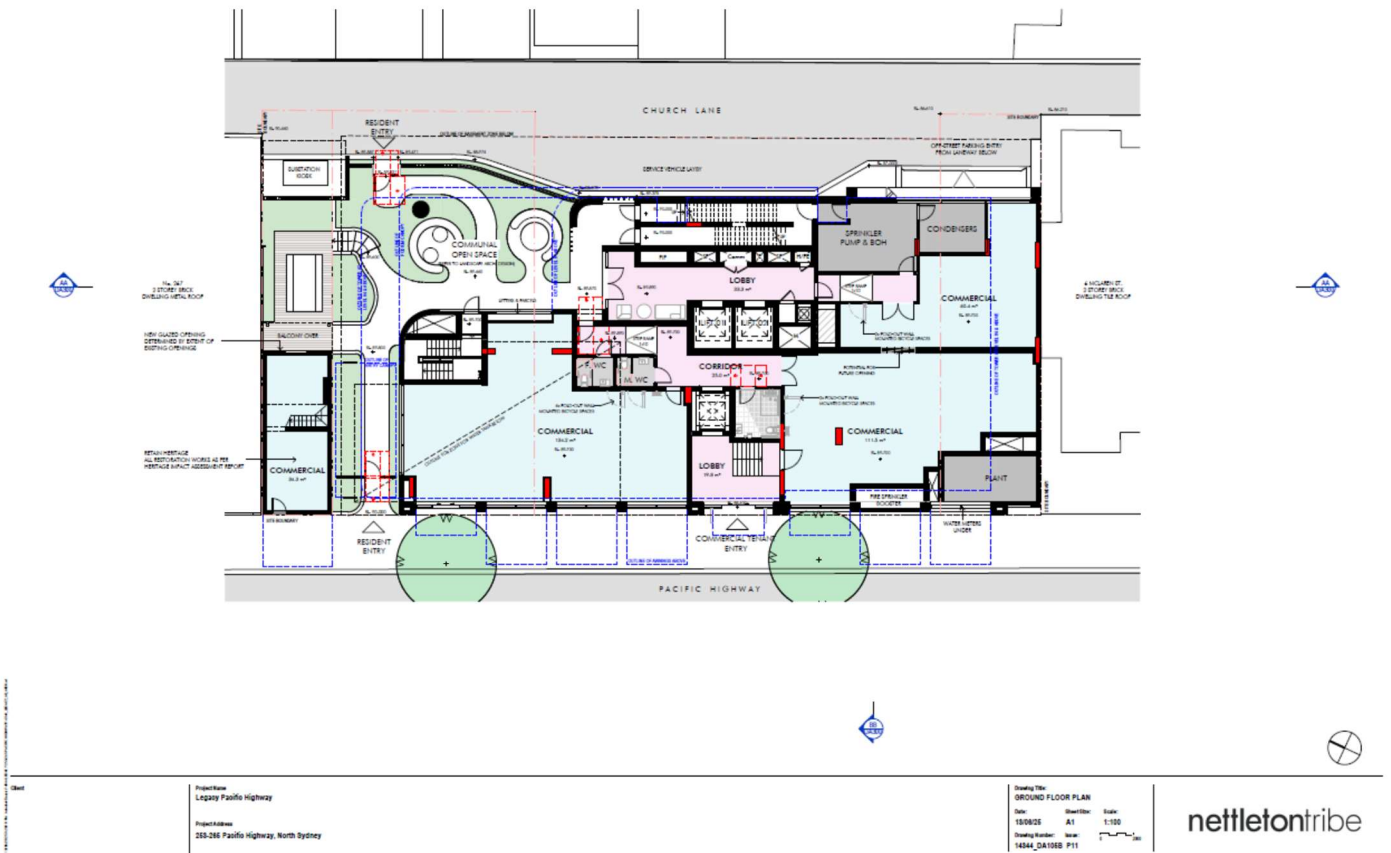


Figure 5 Proposed Ground Floor plan