



Ashleigh Ryan
Urbis on behalf of Lendlease (Victoria Cross)
Angel Place, Level 8,
123 Pitt Street
SYDNEY NSW 2000

Our ref: SSD 10294

Dear Ashleigh,

Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report

I refer to your correspondence received on 24 April 2019 seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) with the State significant development application for the Sydney Metro Victoria Cross Over Station Development – Stage 2 (SSD 10294).

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act);

“Any such application is to be accompanied by a biodiversity 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 the 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” was delegated to Directors within the Planning Services Division on 2 December 2017.

I have reviewed your request having regard to Sections 1.5 and 7.3 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017, and have determined that the proposed development (SSD 10294), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Office of Environment and Heritage has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 10 May 2019 and a copy of that letter is attached.

Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed development and a BDAR is not required to accompany the SSD application.

If there are any amendments to the proposed development, this BDAR waiver determination will not be valid. You will need to either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

Should you have any further enquiries, please contact Russell Hand, Key Sites Assessment, at the Department on (02) 8275 1313.

Yours sincerely

David McNamara 17/5/19

Director

Key Sites Assessments (as nominee of the Secretary)



DOC19/365717
SSD102994

Russell Hand
Principal Planning Officer
Key Sites Assessments
NSW Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Email: Russell.hand@planning.nsw.gov.au

Dear Mr Hand,

Request for Biodiversity Development Assessment Report Waiver for SSD 102994 – Victoria Cross Over Station Development

The Office of Environment and Heritage (OEH) has reviewed the request from Urbis dated 24 April 2019 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the above State Significant Development Application (SSD).

Under the section 7.9(2) of the *Biodiversity Conservation (BC) Act 2016*:

'Any such application [SSD] is to be accompanied by a biodiversity development 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 power to determine whether an SSD is *'not likely to have any significant impact on biodiversity values'*, has been delegated to the OEH Senior Executive on 4 December 2017.

I have reviewed the application of the test of significance under Section 7.3 of the BC Act, that was prepared by Urbis dated 24 April 2019, and agree that there is no need for the SSD application to submit a BDAR as part of the application. Therefore, a waiver under s7.9 is granted for the Victoria Cross Over Station Development SSD 102994 project.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer, on 9873 8604 or Bronwyn.Smith@environment.nsw.gov.au.

Yours sincerely

10/05/2019

ALEX GRAHAM
Director Greater Sydney
Communities and Greater Sydney Division