BDAR ASSESSMENT WAIVER

APPENDIX CC

NSW GOVERNMENT | Planning & Environment

DOC18/425471

Fil Cerone
Transport for NSW
Level 39, 680 George Street
Sydney NSW 2000

Dear Fil,

I refer to your correspondence dated 6 June 2018, seeking to waive the need for Biodiversity Development Assessment Reports (BDAR) for State Significant Development (SSD) applications for Pitt Street North and Pitt Street South over station developments (SSD 8875 and SSD 8876).

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

> *"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 Directors within the Planning Services Division on 21 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 agree that there is no need to submit BDARs as part of the SSD applications. Therefore, waivers under section 7.9(2) of the BC Act are granted for the proposals SSD 8875 and SSD 8876.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted waivers in letters dated 20 June 2018 and a copy of the letters is attached.

The waivers are issued in respect of the proposed development detailed in requests for Secretary's environmental assessment requirements dated 1 November 2017. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Genevieve Hastwell, Planning Services, at the Department on (02) 9274 6457.

Yours sincerely,

27.6.18.

Ben Lusher
Director
Key Sites Assessments

Office of Environment & Heritage

DOC18/404968
SSD-8876

Ms Genevieve Hastwell
Key Sites Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Hastwell

Sydney Metro – Pitt Street South Over Station Development – 125-129 and 131-135 Bathurst Street, 296-300 and 302 Pitt Street (SSD- 8876) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016

Thank you for email of 7 June 2018. The Office of Environment and Heritage (OEH) has reviewed the Biodiversity Conservation (BC) waiver request report received from NSW Government (dated 6 June 2018) on behalf of the proponent to not require a Biodiversity Development Assessment Report (BDAR) to be submitted with the above State Significant Development (SSD) application.

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

> "*Any such application* [SSD] *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 power to determine whether an SSD is "*not likely to have any significant impact on biodiversity values*" was delegated to the OEH Senior Executive on 4 December 2017.

It is noted from the waiver request report that the biodiversity impacts have previously been assessed under CSSI 15 7400 and that the existing buildings on the site are currently being demolished under the terms of this CSSI approval. I have determined that the proposed development is not likely to have any significant impact on biodiversity values and that there is no need for the SSD application to include a BDAR.

Should you have any queries in relation to this matter, please contact Janne Grose on **t** :8837 6017 or by email at janne.grose@environment.nsw.gov.au

Yours sincerely

JANE DEGABRIEL
A/Director – Greater Sydney
Regional Operations Division

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