

DOC18/301263

Philip Ransom  
Macquarie Corporation Holdings Pty Ltd  
50 Martin Place  
Sydney NSW 2007

Dear Philip,

I refer to your correspondence received on 18 May 2018, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for Martin Place Station Precinct, South Site (SSD 9326).

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 a BDAR as part of the SSD application. Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed SSD 9326.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 25 May 2018 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary’s environmental assessment requirements received 9 May 2018. 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,



29.5.18.

Ben Lusher  
**Director**  
**Key Sites Assessments**



DOC18/327294  
SSD-9326

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

Dear Ms Hastwell

**Sydney Metro Martin Place Over Station Development – Stage 2 – South Site (SSD 9326) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016**

Thank you for email of 18 May 2018. The Office of Environment and Heritage (OEH) has reviewed the waiver request received from Ethos Urban (dated 18 May 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 Ethos Urban waiver request that the biodiversity impacts have previously been assessed under CSSI 15-7400: the site is located in the heart of Sydney CBD and is highly urbanised and does not contain vegetation. 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 8837 6017 or by email at [janne.grose@environment.nsw.gov.au](mailto:janne.grose@environment.nsw.gov.au)

Yours sincerely

25.05.2018

**ALEX GRAHAM**  
**Director – Greater Sydney**  
**Regional Operations Division**

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