



Fil Cerone  
Director, Sustainability Environment and Planning  
Sydney Metro City and Southwest  
Transport for NSW  
PO Box K659  
HAYMARKET NSW 1240

Dear Fil Cerone

**SSD 9579: Crows Nest Over Station Development, 477 - 495 and 497 - 521 Pacific Highway and 14 Clarke Street, Crows Nest - Request to waive the requirement for a Biodiversity Development Assessment Report**

I refer to your request dated 10 October 2018 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the Crows Nest Over State Development at 477-495 and 497-543 Pacific Highway and 14 Clarke Street, Crows Nest (SSD 9579).

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 power to determine whether a SSD proposal is “*not likely to have any significant impact on biodiversity values*” (on behalf of the *Planning Agency Head*) has been delegated to Director level within the Planning Services Division of the Department of Planning and Environment (the Department).

I have reviewed your request having regard to sections 1.5 and 7.3 of the BC Act and clauses 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017*. I consider that the proposed development is not likely to have any significant impact on biodiversity values and therefore it is not necessary to submit a BDAR as part of the SSD application.

The delegated Environment Agency Head in the Office of Environment and Heritage has been consulted and on 17 October 2018 confirmed that the proposed development is not likely to have any significant impact on biodiversity values. A copy of this letter is attached for your reference.

Therefore, under section 7.9(2) of the BC Act, the requirement to submit a BDAR has been waived for the proposed SSD 8967.

This waiver is issued in respect of the proposed development detailed in a request for SEARs dated 26 September 2018. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Paula Bizimis, Senior Planner, Key Sites Assessments, at the Department on (02) 9274 6254.

Yours sincerely



David McNamara  
**Director**  
**Key Sites Assessments**  
as delegate of the Secretary