BIODIVERSITY DEVELOPMENT ASSSESSMENT REPORT WAIVER

Fil Cerone   File: 17/15568
World Square Level 39
680 George Street
Sydney NSW 2000

7 May 2018

Dear Mr Cerone

I refer to your correspondence received on 24 April 2018, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the Concept Development Application for the Victoria Cross Over Station Development (SSD 8874).

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 8838.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 2 March 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 dated 24 October 2017. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Liza Miller, Planning Services, at the Department on (02) 8289 6787.

Yours sincerely

11/5/18

Ben Lusher
Director
Key Sites Assessments
(as nominee of the Secretary)

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