



EF18/5404

Alexis Cella
Ethos Urban
173 Sussex Street
Sydney NSW 2000

Dear Mr Cella,

I refer to your correspondence received on 4 May 2018, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the Stage 2 detailed design and development of the North Site within the Sydney Metro Martin Place Station Precinct (SSD 9270).

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 1 February 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 11 April 2018. 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,



17.5.18.

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

DOC18/281192
SSD-9270

Ms Liza Miller
Key Sites and Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Miller

Sydney Metro Martin Place Over Station Development – North Site (SSD 9270) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016

Thank you for email of 4 May 2018. The Office of Environment and Heritage (OEH) has reviewed the waiver request received from Ethos Urban (dated 4 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 CSSI15-7400, the site is in the heart of Sydney CBD and is highly urbanised and has historically been cleared of 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

Yours sincerely



15.05.2018

ALEX GRAHAM
Director Greater Sydney
Regional Operations Division