



Alexis Cella  
Ethos Urban  
173 Sussex Street  
Sydney NSW 2000

File: 18/381838  
CSWSMP-MAC-SMA-SU-REP-000120

12 June 2018

Dear Mr Cella

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 the Amending Stage 1 Concept Proposal (south site building envelope) for the Martin Place Over Station Development (SSD 9347).

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 9347.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 6 June 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 15 May 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

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