DOC18/331299
SSD-9347
CSWSMP-MAC-SMA-SU-REP-000420

Ms Liza Miller
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Miller

Sydney Metro Martin Place Station Precinct – Amending Stage 1 Concept Proposal – South Site building envelope (SSD 9347) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016

Thank you for email of 21 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

Yours sincerely

06/06/2018

ALEX GRAHAM
Director – Greater Sydney
Regional Operations Division