BDAR ASSESSMENT WAIVER

APPENDIX R

NSW GOVERNMENT | Planning & Environment

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 9393: Waterloo Metro Quarter Over Station Development. Land bound by Raglan Street, Cope Street, Wellington Street and Botany Road, Waterloo (SSD 9393) - Request to waive the requirement for a Biodiversity Development Assessment Report

I refer to your request dated 19 September 2018 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the Waterloo Metro Quarter Over State Development on land bound by Raglan Street, Cope Street, Wellington Street and Botany Road, Waterloo (SSD 9393).

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 2 November 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 9393.

This waiver is issued in respect of the proposed development detailed in a request for SEARs dated 29 June 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 Officer, Key Sites Assessments, at the Department on (02) 8289 6787.

Yours sincerely

David McNamara 2/11/18
Director
Key Sites Assessments
as delegate of the Secretary

DOC18/788209
SSD 18_9393

Mr Cameron Sargent
Acting Director Key Sites Assessment
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Annie Leung

Dear Mr Sargent

Biodiversity Development Assessment Report Waiver Request Waterloo Metro Quarter Over Station Development (SSD 18_9393) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016

The Office of Environment and Heritage (OEH) has reviewed the request from Transport NSW to waive the need for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State Significant Development (SSD 18_9393) application.

Under the 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*", has been delegated to the OEH Senior Executive on 4 December 2017.

I have reviewed the application of the test of significance under section 7.3 of the BC Act, that was prepared by Transport NSW dated May 2018, and agree that there is no need for the SSD application to submit a BDAR as part of the application. Therefore, a waiver under s7.9 is granted for the Waterloo Metro Quarter Over Station Development SSD 18_9393 project.

Should you have any queries in relation to this matter, please contact Bronwyn Smith, Senior Project Officer Planning on 9873 8604 or by email at Bronwyn.smith@environment.nsw.gov.au.

Yours sincerely

02/11/2018

ALEX GRAHAM
Director – Greater Sydney
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