

Portal Application Number: PAN-381735

File: EF23/14504

Mr Greg Attewell  
Sydney Trains  
36-46 GEORGE STREET  
BURWOOD NSW 2134

14 March 2023

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**Subject: PAN-381735 – DA 23/14504 - Digital Signage – Sydney Park Rd, Erskineville – Request for Information**

Dear Mr Attewell,

I refer to the above Part 4 development application for a proposed digital sign on Sydney Park Rd, Erskineville (PAN-381735), submitted via the Planning Portal on 10 November 2023 (the application).

In accordance with section 1.7 of the Environmental Planning and Assessment Act 1979, Part 7 of the Biodiversity Conservation Act 2016 (BC Act) applies to the assessment of development applications. Section 7.7 of the BC Act requires an application for development consent to be accompanied by a biodiversity development assessment report (BDAR) if the proposed development is likely to significantly affect threatened species. Section 7.3 of the BC Act sets out the test for determining whether a proposed development is likely to significantly affect threatened species or ecological communities, or their habitats.

It is understood that vegetation removal is likely to be required to install the sign. It is not clear if vegetation management may be required once the sign is operational due to conflicting information on page 23 of the Statement of Environmental Effects. After further consideration, the Department requests that you assess whether construction and any ongoing vegetation management is likely (or unlikely) to impact threatened species or ecological communities, or their habitats in accordance with section 7.3 of the BC Act. Any test of significance undertaken must be supported by adequate biodiversity site investigations and field data.

Further information on how to undertake a test of significance can be found at the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (NSW) Threatened Species Test of Significance Guidelines, available at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/test-of-significance>.

The Department requests that you provide a response by **4 April 2024** via the NSW Planning Portal. If you are unable to provide the requested information within this timeframe, you are required to

provide, and commit to, a timeframe detailing the provision of this information. This request is made in accordance with section 36 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

If the test of significance indicates that construction or ongoing vegetation management would likely to significantly affect threatened species or ecological communities or their habitats, then a BDAR must be submitted by 30 April 2024.

In addition, would you please provide evidence that the Lot which is the subject of the Application is legally described as Lot 30 DP 1254499 by 4 April 2024.

In accordance with section 94(2) Part 4, Division 4 of the Regulation, the assessment period ceases to run from the date of the Department's request of 5 December 2023 until information addressing all requests is provided. At the date of this letter, 26 days in the assessment period have elapsed.

The Department notes that we are still awaiting a response to two previous RFIs (sent 5 February 2024 and 22 February 2024) and are due to be responded to by 4 April 2024.

If you have any questions, please contact Chris Fraser, Senior Planning Officer on (02) 9995 6321, or via email at [christopher.fraser@planning.nsw.gov.au](mailto:christopher.fraser@planning.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink that reads "M. Garland".

Mary Garland  
Team Leader, Transport and Water Assessments

As delegate for the Minister for Planning and Public Spaces