



Our ref: DOC20/1032916
Senders ref: SSD 8571481

Nathan Stringer
Senior Environmental Assessment Officer
Social and Other Infrastructure Assessments
NSW Department of Planning, Industry and Environment
4 Parramatta Square,
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Stringer,

Request for Biodiversity Development Assessment Report Waiver for Western Sydney Construction Hub on the TAFE NSW Kingswood Campus (SSD 8571481)

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development Application for Western Sydney Construction Hub on the TAFE NSW Kingswood Campus.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Ecological dated 13 January 2021 and determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by EES. The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or Bronwyn.smith@environment.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink that reads 'Liza Schaeper'.

19/01/2021

Liza Schaeper
A/Director Greater Sydney
Biodiversity and Conservation
Environment, Energy and Science

encl 1. EES, DPIE determination
2. EES, DPIE recommendation report



Mr Paul Georgiades
Senior Development Manager – Western Sydney
TAFE NSW

via email: paul.georgiades@tafensw.edu.au

Dear Mr Georgiades

Subject: TAFE NSW Western Sydney Construction Hub (SSD-8571481) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

I refer to your request submitted on 15 January 2021 for the issue of a waiver for the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the TAFE NSW Western Sydney Construction Hub (SSD-8571481).

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) provides the following in relation to an application for SSD:

“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 and Assessment Division of the Department.

Accordingly, I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the *Biodiversity Conservation Regulation 2017* and considered the information provided in the letter prepared by Eco Logical Australia Pty Ltd dated 13 January 2021. I have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR. A waiver under section 7.9 is therefore granted for the proposed development (being the TAFE NSW Western Sydney Construction Hub (SSD-8571481)).

The delegated “*Environment Agency Head*” in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 19 January 2021 and a copy of that letter is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Secretary’s Environmental Assessment Requirements issued on 24 August 2020. Amendments to the development may require a further waiver to be sought and issued.

Should you have any enquiries regarding the above matter, please contact Nathan Stringer on 9995 5531 or via email at nathan.stringer@planning.nsw.gov.au.

Yours sincerely,

1 February 2021

Karen Harragon
Director, Social and Infrastructure Assessments
As delegate of the Planning Secretary