



Mr Cameron Nixon
Area Planner
Department of Education
Level 8, 259 George Street
Sydney NSW 2000

via email: Cameron.Nixon6@det.nsw.edu.au

Dear Mr Nixon

Subject: New Catherine Field Primary School (SSD-9477) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

I refer to your request submitted on 5 November 2019 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 New Catherine Field Primary School (SSD-9477).

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 Narla Environmental Pty Ltd dated 30 November 2018. 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 New Catherine Field Primary School (SSD-9477)).

The delegated "Environment Agency Head" in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 18 November 2019 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 submitted on 6 August 2018. 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 Jasmine Tranquille on 9274 6596 or jasmine.tranquille@planning.nsw.gov.au.

Yours sincerely,

Lloyd Eley-Smith
Acting Director, Social and Infrastructure Assessments
As delegate of the Secretary