





Infrastructure NSW
PO Box R220
Royal Exchange NSW 1225

Attn: Mr Tom Kennedy
tom@gtkconsulting.com.au

24 September 2020

Dear Mr Kennedy

**Biodiversity Development Assessment Report Waiver Request
Powerhouse Parramatta (SSD 10416)**

I refer to your correspondence received on 2 September 2020 seeking to waive the requirement to submit a biodiversity development assessment report (BDAR) with the above State significant development (SSD) application under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act).

I note that the requirement for a BDAR was waived on 2 June 2020, however as the Environmental Impact Statement accompanying your SSD application sought approval to remove additional trees, the Department requested you submit a revised BDAR waiver request.

I have reviewed your revised BDAR waiver request having regard to Sections 1.5 and 7.3 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017, and have determined that the proposed development (SSD 10416), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Energy, Environment and Science Group has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 10 September 2020 and a copy of that letter is attached.

Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed development and a BDAR is not required to accompany the SSD application.

If there are any further amendments to the proposed development, this BDAR waiver determination will not be valid. You will need to either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

Should you have any further enquiries, please contact Marcus Jennejohn, Key Sites Assessments, at the Department on (02) 8289 6798.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Witherdin'.

Anthony Witherdin
Director
Key Sites Assessments

As delegate of the Secretary

Attachment D

Determination under section 7.9(2) of the Biodiversity Conservation Act 2016

I, Anthony Witherdin, Director Key Sites Assessments, of the Department of Planning, Industry and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required.

Proposed development means site preparation works including demolition; construction, operation and use of the Powerhouse Parramatta; public domain works; infrastructure works; and signage and as detailed in the BDAR waiver application dated 2 September 2020.

If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

If you do not lodge the development application related to this determination for the proposed development within 2 years of the issue date of this determination, you must either prepare a BDAR or lodge a new request to have the BDAR requirement waived.



Director
Key Sites Assessments
Planning and Assessment
Department of Planning, Industry and Environment
(as delegate of the Secretary)

Date: 24 September 2020



Our ref: DOC20/725468
Senders ref: SSD10416

Marcus Jennejohn
Senior Planning Officer
Key Sites Assessment
Planning and Assessment Group
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Jennejohn,
Request for Biodiversity Development Assessment Report Waiver for New Powerhouse Parramatta, at 34 – 54 and 30B Phillip Street and 338 Church Street, Parramatta (SSD 10416)

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 New Powerhouse Parramatta, at 34 – 54 and 30B Phillip Street and 338 Church Street, Parramatta.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Jacobs (Final v.3) dated 27 August 2020 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, appearing to read 'Daylan Cameron'.

10/09/2020

Daylan Cameron

**A/Director Greater Sydney
Climate Change and Sustainability
Environment, Energy and Science**