



Mr Richard Barry  
Urbis  
Level 8, 123 Pitt Street  
SYDNEY NSW 2000

Our ref: SSD 10285

Dear Mr Barry,

**Subject: Request to waive requirement to prepare a Biodiversity Development Assessment Report**

I refer to your correspondence received on 28 May 2019 seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) with the State significant development application for the Leger Lawn Development at Randwick Racecourse (SSD 10285).

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act);

*“Any such application is to be accompanied by a biodiversity 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 the 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*” was delegated to Directors within the Planning Services Division on 2 December 2017.

I have reviewed your 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 10285), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Office of Environment and Heritage has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 31 May 2019 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 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 Tim Green, Key Sites Assessments, at the Department on (02) 8275 1065.

Yours sincerely

David McNamara 5/6/19  
**Director**  
**Key Sites Assessments**  
(as nominee of the Secretary)