

Miss Danielle Blakely
Associate Director
Monte Sant' Angelo Mercy College Limited
C/- Urbis Level 8 Angel Place
123 Pitt Street
Sydney NSW 2000

Our ref: SSD-10393

Dear Miss Blakely

Subject: Scientia Project - Monte Sant' Angelo Mercy College, North Sydney (SSD-10393) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

I refer to your correspondence dated 5 February 2020, requesting the issue of a waiver from the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the Scientia project - Monte Sant' Angelo Mercy College, North Sydney (SSD-10393).

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 updated letter prepared by Cumberland Ecology dated 6 March 2020. 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 Scientia Building - Monte Sant' Angelo Mercy College, North Sydney (SSD-10393)).

The delegated *Environment Agency Head* in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 16 March 2020, with addendum dated 26 March 2020, and a copy of these letters is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Secretary's Environmental Assessment Requirements approved on 2 February 2019. 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 David Way on (02) 8275 1324 or via email to David.Way@planning.nsw.gov.au.

Yours sincerely,



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