



Dayle Bennett
Senior Consultant
Urbis

Our ref: SSD-10400

-via email-
dbennett@urbis.com.au

Dear Mr Bennett

Subject: Saint Patrick's College Science and Learning Building (SSD-10400) – Request to waive the need for a BDAR under the *Biodiversity Conservation Act 2016*

I refer to your request submitted on 26 February 2020 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 Saint Patrick's College Science and Learning Building (SSD-10400).

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 Services Division on 21 December 2017.

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 Ecological Australia dated 24 February 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 granted for the proposed development (being the Saint Patricks College Science and Learning Building – SSD-10400).

The delegated *Environment Agency Head* in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 13 March 2020, and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Planning Secretary's environmental assessment requirements (SEARs) dated 7 January 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 David Way on 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